



## Court of Appeal

FOURTH DISTRICT, DIVISION ONE  
750 B STREET, SUITE 300  
SAN DIEGO, CALIFORNIA 92101-8196

CHAMBERS OF  
JUDITH McCONNELL  
PRESIDING JUSTICE

April 18, 2008

Ms. Megan Lafrenz  
Center for Families, Children & the Courts  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Re: California Blue Ribbon Commission on Children in Foster Care Draft  
Recommendations

Dear Ms. Lafrenz:

I compliment the Commission on its draft recommendations designed to aid the courts and their child welfare partners in improving foster care outcomes. "The . . . Commission is California's first statewide panel to focus on the courts' role in child welfare. The courts play an important statutory role in foster care, overseeing critical decisions on the removal of children from their homes, services they and their families will receive, and where and with whom children will live." (Jud. Council of Cal., Admin. Off. of Cts., News Release No. 11, Mar. 14, 2008.) It was a daunting task, to say the least, to address the role of the courts in improving the lives of children and families who fall within the dependency system, but it appears the Commission has ably fulfilled its duty as reflected by the comprehensive, insightful and multifaceted nature of its recommendations.

I appreciate that the primary focus of the Commission's study was to evaluate the dependency system in its entirety at ground zero from initial intervention by the Department of Social Services throughout the judicial oversight process in the Superior Court, so as to ensure that children and families have access to appropriate services and timely court reviews that result in permanent placements as quickly as possible. Its "charge was to develop politically viable and fiscally responsible recommendations focused on outcomes related to safety, *permanency*, well-being, and *fairness* for children and their families." (Executive Summary, p. 2, italics added.) The draft recommendations are replete with references to the need for *timely* court decisions to

ensure reunification whenever possible and to deliver appropriate services to children and families to achieve permanency and transition into adulthood. However, permanency in placement cannot be obtained without finality of judgment, especially where the right to appellate review can be pursued by any affected party on multiple occasions during the dependency process, inevitably prolonging that process. The appellate and dependency processes are so inextricably intertwined that neither can be ignored to any degree by the Commission in meeting its charge and making its recommendations. Additionally, just as the dependency courts bear the responsibility of protecting the interests of children in their proceedings by ensuring that they are represented and heard in court, so should the reviewing courts by appointing independent counsel for minors in all dependency appeals thus assuring uninterrupted and unconflicted representation of their interests on appeal. Consequently, I write to encourage the Commission to add to its "Main Recommendation 2, Court Reforms" two further recommendations: (1) to provide "fast-track treatment" for all juvenile dependency appeals by extending the application of California Rules of Court, rule 8.416 to all dependency appeals in California; and (2) to require the appointment of independent counsel for all minors in dependency appeals.

#### EXPEDITED TREATMENT OF ALL DEPENDENCY APPEALS

The Commission appropriately acknowledges in its guiding principles that the courts' "decisions must be *timely* in order to ensure court reunification when possible and to assist children with the services they need to achieve permanency and transition into adulthood." (Draft Recommendations, p. 3, italics added.) Where foster-care placement is necessary, the Commission correctly recognizes the courts' continuing role through timely reviews that lead to permanency in placement as quickly as possible so as to "ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family." (Draft Recommendations, p. 6, Recommendation 1, 1.B.) Generally, permanency in placement cannot be obtained without finality of judgment, as the appellate process can jeopardize in a very meaningful sense the timely disposition of a dependency matter. As noted above, the right to appellate review by an affected party can be pursued on multiple occasions in dependency matters, whether it be from the jurisdiction/disposition hearing, the periodic six-month status review hearings, the reference hearing (by writ), the permanency planning hearing, the post-permanency planning hearing, or any other special hearing. Belated appellate intervention not only interrupts the orderly oversight process in the dependency court, but also threatens to derail the timely delivery of services necessary so as to ensure transition into a permanent placement. This is not to say there should not be such appellate review and, when warranted, intervention to cure error. Rather, it highlights why it is imperative that appellate review of dependency

orders be obtained in a timely fashion, expedited whenever possible to be completed by the next scheduled hearing in the dependency process.

Currently, California Rules all of Court, rule 8.416<sup>1</sup> applies to appeals from all terminations of parental rights and all dependency appeals in Orange, Imperial and San Diego Counties. Its goal is to obtain determination of governed appeals within 250 days after the notice of appeal is filed. Division One of the Fourth Appellate District, with the cooperation and support of the dependency court, the local Project (Appellate Defenders, Inc.) and the San Diego County Counsel, has adopted a policy to further expedite all dependency appeals by obtaining appellate resolution whenever possible within 180 days after the notice of appeal is filed. In other words, our Court's goal is to obtain meaningful timely appellate resolution in all dependency appeals -- that is, before the next scheduled hearing. The statistical time data for fiscal year 2006-2007 for the California Courts of Appeal pertaining to juvenile appeals shows that the statewide median was 233 days, while our Court's was 168 days, and the statewide 90th percentile was 392 days, while our Court's was 259 days. Timely permanency in placement can only be obtained if all dependency appeals are expedited as provided by California Rules of Court, rule 8.416 in Orange, Imperial and San Diego Counties. The application of rule 8.416 to dependency appeals should be extended to all California counties. Moreover, the 250-day goal for appellate resolution should be re-examined and replaced with a shorter time frame, perhaps 180 days.

---

**1 Rule 8.416. Appeals from all terminations of parental rights; dependency appeals in Orange, Imperial, and San Diego Counties**

**(a) Application**

**(1) This rule governs:**

**(A)** Appeals from judgments or appealable orders of all superior courts terminating parental rights under Welfare and Institutions Code section 366.26 or freeing a child from parental custody and control under Family Code section 7800 et seq.; and

**(B)** Appeals from judgments or appealable orders of the Superior Courts of Orange, Imperial, and San Diego Counties in all juvenile dependency cases.

**(2) In all respects not provided for in this rule, rules 8.400–8.412 apply.**

**(b) Cover of record**

**(1)** In appeals under (a)(1)(A), the cover of the record must prominently display the title “Appeal From [Judgment or Order] Terminating Parental Rights Under [Welfare and Institutions Code Section 366.26 or Family Code Section 7800 et seq.],” whichever is appropriate.

**(2)** In appeals from judgments or appealable orders of the Superior Courts of Orange, Imperial, and San Diego Counties, the cover of the record must prominently display the title “Appeal From [Judgment or Order] Under [Welfare and Institutions Code Section 300 et seq. or Family Code Section 7800 et seq.],” whichever is appropriate.

**(c) Sending the record**

**(1) When the clerk’s and reporter’s transcripts are certified as correct, the clerk must immediately send:**

**(A)** The original transcripts to the reviewing court by the most expeditious method, noting the sending date on each original; and

APPOINTMENT OF INDEPENDENT COUNSEL FOR ALL MINORS ON APPEAL

At first glance, a recommendation for the appointment of independent counsel for all minors on appeal would appear to be outside the Commission's original charge. However, given that the dependency process permits multiple and successive opportunities for appellate review before obtaining permanency in placement, failure to expedite and improve the inextricably intertwined appellate process jeopardizes the efficacy of other Commission recommendations and goals. Indeed, such a recommendation promotes obtaining outcomes related to safety, permanency, well-being, and fairness for children and their families. It has been the policy of this Court -- Division One of the Fourth Appellate District -- to appoint independent counsel for minors in all dependency appeals since 1992 so as to ensure that the interests of the children are protected throughout the appellate process. This court, after extensively reviewing the issue in 1992, implemented that policy when it adopted our own pilot project (formally California Rules of Court, rule 39.2A, later rule 37.4, now essentially

- 
- (B) One copy of each transcript to the attorneys of record for the appellant, the respondent, and the minor, and to the district appellate project, by any method as fast as United States Postal Service express mail.
- (2) If appellate counsel has not yet been retained or appointed when the transcripts are certified as correct, the clerk must send that counsel's copies of the transcripts to the district appellate project.
- (d) Augmenting or correcting the record in the reviewing court
- (1) Except as provided in (2) and (3), rule 8.155 governs any augmentation or correction of the record.
  - (2) An appellant must serve and file any request for augmentation or correction within 15 days after receiving the record. A respondent must serve and file any such request within 15 days after the appellant's opening brief is filed.
  - (3) The clerk and the reporter must prepare any supplemental transcripts within 20 days, giving them the highest priority.
  - (4) The clerk must certify and send any supplemental transcripts as required by (c).
- (e) Time to file appellant's opening brief
- To permit determination of the appeal within 250 days after the notice of appeal is filed, the appellant must serve and file the appellant's opening brief within 30 days after the record is filed in the reviewing court.
- (f) Extensions of time
- The superior court may not order any extensions of time to prepare the record or to file briefs; the reviewing court may order extensions of time, but must require an exceptional showing of good cause.
- (g) Failure to file a brief
- Rule 8.412 applies if a party fails to timely file an appellant's opening brief or a respondent's brief, but the period specified in the notice required by that rule must be 15 days.
- (h) Oral argument and submission of the cause
- (1) Unless the reviewing court orders otherwise, counsel must serve and file any request for oral argument no later than 15 days after the appellant's reply brief is filed or due to be filed. Failure to file a timely request will be deemed a waiver.
  - (2) The court must hear oral argument within 60 days after the appellant's last reply brief is filed or due to be filed, unless the court extends the time for good cause or counsel waive argument.
  - (3) If counsel waive argument, the cause is deemed submitted no later than 60 days after the appellant's reply brief is filed or due to be filed.
- (Rule 8.416 amended and renumbered effective January 1, 2007; adopted as rule 37.4 effective January 1, 2005.)

rule 8.416) for expediting juvenile dependency appeals. It remains our preferred approach, it meaningfully contributes to the decision-making process, and, through the imposition of Project guidelines to keep expenses for minor's counsel at a minimum, it has been cost-effective.

The reasons that persuaded this Court in 1992 to implement the policy of appointing counsel for minors in all dependency appeals are as persuasive today as they were then. Mindful that juvenile dependency proceedings by design seek to protect and promote the best interests of the children that fall within their jurisdiction, the most effective way under existing appellate practice to insure that the child's interests are effectively communicated to the Court of Appeal is to have independent counsel appointed to represent the child at the appellate court. In many matters over the years, the Court has relied on minor's counsel to call its attention to changes in the minor's circumstances or wishes that could potentially affect the decision on appeal.<sup>2</sup> Given communication problems and restrictions on contact, counsel for a parent and the county are sometimes unaware of these circumstances, or it may not be in their clients' interests to bring them to the attention of the Court. Thus, minor's counsel is often the only participant in the proceeding in a position to advise the Court of the current situation and offer an independent opinion of how different outcomes may affect the child.

Moreover, independent appellate counsel generally insures greater familiarity with appellate procedure, more competent appellate representation and the opportunity for independent assessment of whether trial counsel effectively represented the child in the juvenile court. When the minor's interests parallel those of the county<sup>3</sup>, or for that matter a parent, and the minor is clearly aligned with one or the other, independent appellate

---

<sup>2</sup> A dependency case is a continuing and dynamic proceeding, as a child's circumstances may change during an appeal. Recognizing the restrictions imposed by *In re Zeth S.* (2003) 31 Cal.4th 396, on taking new evidence on appeal, no appellate court wants to "do harm" to a child by relying on facts that no longer apply. Reviewing courts need to be aware of developments in the juvenile court and changes in the child's situation in order to evaluate the issues on appeal and, within *Zeth S.* guidelines, select the appropriate outcome.

<sup>3</sup> The positions of the county and the minor, while usually the same, are not invariably identical. Indeed, county counsel has the duty of defending the juvenile court judgment when it is consistent with the agency's position, not advocating the minor's wishes or best interests from the minor's perspective. This variance in perspective may render it difficult for county counsel to identify matters where the agency's position is not in the minor's best interests.

counsel may fill the void when that party's briefing on appeal is deficient by offering a different rationale, different authorities, important qualifications on the position, and other points that could affect the nature and scope of the reviewing court's decision. In fact, independent counsel for the minor not only provides a safeguard against inadequate briefing by parties with whom the minor aligns, but also generally benefits the Court with briefing from the perspective of the affected minor whose interests are paramount. In our District, the Project requires appellate counsel to talk to trial counsel and expects appellate counsel to contact the minor unless strong reasons for not doing so have been received from the minor's trial counsel, social worker, therapists or others. (See <[http://www.adi-sandiego.com/juvenile\\_guide.html](http://www.adi-sandiego.com/juvenile_guide.html)>.) If the minor has no attorney on appeal, no one will have the sole and unconflicted responsibility for determining what is in the minor's interests and providing the necessary representation accordingly.

It has been suggested that a more reasonable, flexible and thrifty alternative to the appointment of counsel for minors in all dependency appeals is simply for the reviewing court to appoint appellate counsel for the minor when it discovers through its independent review of the record that the minor's representation in the juvenile court was ineffective or that the minor's interests require appellate representation. This Court found this alternative approach to be lacking. Juvenile dependency matters require exceptionally fast resolution because of the children's and the families' interests at stake and the failure to have minor's counsel when needed would inevitably create delay. We could perceive of no reliable method of screening cases at an early stage to identify those in which minor's counsel is specially needed. In fact, it would be the tendency of the reviewing court to make such a discovery during the decision-making phase of the proceedings, woefully belated. The case would be put on hold while minor's counsel is appointed, obtains and reviews a copy of the record, interviews the client, trial counsel, social worker, etc., and prepares a brief. Needless to say, such a delay would undermine the fast-track policies that have been implemented in our District and Division as reflected in rule 8.416. Our Court has been committed to and successful in handling dependency cases expeditiously and appellate counsel have adapted to the very stringent time lines in these cases. This could not have happened in a significant number of cases if minor's counsel had to be appointed belatedly in the middle of the proceedings.

Granted, appointing independent appellate counsel for minors in all dependency appeals increases costs. However, the local Project drafted and, with the Court's supervision and approval, issued guidelines designed to keep expenses for minor's counsel to a minimum. (See <[http://www.adi-sandiego.com/juvenile\\_guide.html](http://www.adi-sandiego.com/juvenile_guide.html)>.) These guidelines place considerable restraints on minor's counsel, declaring full-scale investigation is not contemplated except in unusual circumstances; a letter rather than a brief is presumptively the appropriate filing; counsel is required to review periodically the need for minor's counsel in the matter and to withdraw if there is none in the first

April 18, 2008

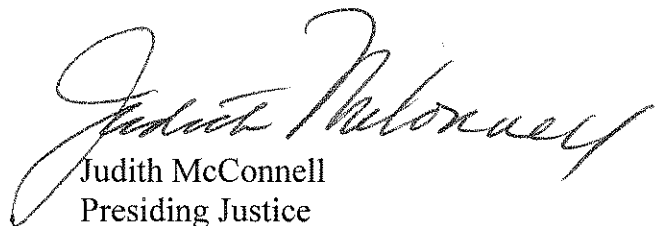
instance or whenever there is no further need; and minor's counsel should only appear at oral argument when counsel's participation on behalf of the minor will make a substantial contribution to the case. Project monitoring of minor's counsel claims in light of the guidelines assures that services in excess of the guidelines without justification are uncompensated.

These guidelines and Project monitoring have been reasonably successful in keeping minor's counsel's claims generally quite low. The attached table, entitled "Statistics on Counsel for Non-Appealing Minors in Dependency Cases" in the Fourth Appellate District and prepared by the Project, summarizes the types of filing on behalf of minors and the compensation to attorneys for the three 12-month periods beginning with March 1, 2003 thru 2005. Regarding the nature of filings on behalf of minor, the yearly average has been 273 filings, including 11.6% briefs (32), 16% letter briefs (44) and 72.4% routine letters (198). As to the number of claims and the amount of compensation, the yearly average number of claims has been 391, with a yearly average claim of \$1,210, a yearly average median claim of \$1,030, and a yearly average total payment of \$472,876. These figures reflect the appointment of counsel for non-appealing minors in all dependency cases within Divisions One and Two of the Fourth Appellate District. Division Three does not follow that practice.

Hopefully, this historical background, the underlying reasoning for our appointment of counsel for non-appealing minors in all juvenile dependency cases and our coordinated efforts with the Project to keep the cost of such representation down, will be helpful to you regarding the value of this recommendation of appointing independent counsel for all minors on appeal -- thus securing them a voice on appeal -- and the feasibility of its funding. After all, the minor is a party to the proceeding and, to some, the most important party.

Please do not hesitate calling me if you need additional information regarding either recommendation. I reiterate both recommendations further the Commission's goal of obtaining permanency in placement in a fair and timely manner.

Very truly yours,



Judith McConnell  
Presiding Justice

JM/jp

# STATISTICS ON COUNSEL FOR NON-APPEALING MINORS IN DEPENDENCY CASES IN FOURTH APPELLATE DISTRICT

12-month period beginning March 1 of the following years:	PRINCIPAL FILINGS (includes independent petitions for writs)				COMPENSATION FOR SERVICES (includes independent petitions for writs)			
	PRINCIPAL FILINGS**	BRIEF	LETTER BRIEF	ROUTINE LETTER	NO. CLAIMS	AVE. CLAIM***	MEDIAN CLAIM***	TOTAL PAYMENTS***
2003	251	30	25	196	393	\$1,124	\$1,000	\$441,732
2004	266	25	44	197	347	\$1,152	\$959	\$399,744
2005	303	40	62	201	432	\$1,336	\$1,114	\$577,152
YEARLY AVE	273	32	44	198	391	\$1,210	\$1,030	\$472,876

## NOTES

- Statistics on types of filing and on compensation come from different data bases. They do not represent the same set of cases. There are more claims than filings because a number of cases are dismissed under Sade C. or for other reasons before minor's brief is due.
- Principal filings are the minor's brief or letter equivalent. They do not include other filings, such as augmentations, extensions, petitions, etc.
- Changes in compensation policies that affect amount of payment:  
For appointments made on or after October 1, 2004, the guidelines for reviewing the record were changed from 60 to 50 pages per hour.  
For appointments made on or after October 1, 2004, in every case the attorney may bill up to 1.0 hours for administrative services.  
For appointments made on or after October 1, 2005, the hourly rate for independent cases changed from \$75 to \$80.  
(The last change would not be reflected in the above charts, since few if any final claims have been filed in such cases.)



survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 50 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 72.67.29.152**Response Started:** Wed, 4/23/08 8:10:55 AM**Response Modified:** Wed, 4/23/08 9:27:12 AM**1. Please provide the following information.**

Name: - Susan Marsh

Title: - director

Agency/Organization: - Focus for Tomorrow

Address: - P.O. Box 2256

City/Town: - Temecula

State: - CA

ZIP/Postal Code: - 92593

Email Address: - focustotomorrow@yahoo.com

Phone Number: - 6198406332

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* recommendation are great but what checks and balances will be in place to see that any of the recommendations are carried out?**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Children in foster care are routinely moved from foster home to relative placement or adoptive placement without any transition. Children who have been in a placement for months, are doing well and feel secure should not be moved with 4hr. or 24 hour notice to a home and family they have never met. Children should be allowed to meet

and feel comfortable with new placement. The transition would go a long way to reduce the attachment disorders we see in so many of the children.

**6. Recommendation 2**

Do not agree with selected recommendation

*Comment:* Money will not solve the problem with the courts. Serious reform is needed.

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

Agree with the selected recommendation

*Comment:* All involved parties should be heard in court. The best interest of the child is too often forgotten as we rush through the process.

**9. Recommendation 2C**

Agree with the selected recommendation

*Comment:* These recommendation are especially important to families being fairly treated by the courts.

**10. Recommendation 2D**

Agree with the selected recommendation

*Comment:* These recommendations all sound wonderful yet do not address the real cause of the problem. No one is looking at the situation from the prospective of the child and what is best for the child.

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* This all sounds wonderful but I can see where it can all be used to do less. Can be used as an excellent smoke screen to hide behind, so many steps, so much to do; how can anyone accomplish all this. Recommendations are great but only if they can be monitored and enforced.

#### 16. Recommendation 3C

Agree with the selected recommendation

#### 17. Recommendation 4

*Comment:* More money will not fix the broken system we call Child Protective Services. CPS workers follow no laws or rules. There are no checks and balances. No one oversees this agency. Who will implement these recommendations?

#### 18. Recommendation 4A

*Comment:* money doesn't solve all problems

#### 19. Recommendation 4B

*Comment:* The children should receive needed services without delay

#### 20. Recommendation 4C

Agree with the selected recommendation

*Comment:* As this is the main goal of Focus for Tomorrow I agree 100%. Children in foster care should not feel less, should not suffer because of parents involvement with the system or the systems failure.

#### 21. Recommendation 4D

Agree with the selected recommendation

*Comment:* But do all these things without making the foster child feel like there is something lacking or wrong with them.

#### 22. Recommendation 4E

*Comment:* Make the agency accountable for the money they already get. Giving cps more federal money when they currently misuse the money they get is not the answer. Accountability and checks and balances are crucial.

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 32 of 102 respondents

Response Type: Normal Response

Collector: Public Comment Form (Web Link)

Custom Value: empty

IP Address: 63.145.243.253

Response Started: Mon, 4/7/08 12:49:49 PM

Response Modified: Mon, 4/7/08 2:12:35 PM

**1. Please provide the following information.**

Name: - Diane V. McKenzie

Title: - CASA

Agency/Organization: - Voices for Children

Address: - 600 W. Broadway

City/Town: - San Diego

State: - CA

ZIP/Postal Code: - 92101

Country: - USA

Email Address: - macdi2000@yahoo.com

Phone Number: - 619-518-7814

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Make the enforceability of the services a priority. In my experience as a CASA so many parents did just enough to keep the case in court, not enough to get their kids back and stable.**4. Recommendation 1A:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* I don't think money needs to be spend on "examining" what there is a disproportionate number of African-American and Native American. The answer is simple "poverty" and the "lack to relatives and resources".**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

Agree with the selected recommendation

**7. Recommendation 2A**

Agree with the selected recommendation

**8. Recommendation 2B**

Agree with the selected recommendation

**9. Recommendation 2C**

Agree with the selected recommendation

**10. Recommendation 2D**

Agree with the selected recommendation

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* That School and medical records be centralized so records are not constantly sought after with each new attorney, CASA and maintained on a MONTHLY basis. These records are vital and often incomplete and lost.

**15. Recommendation 3B**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Again, I cannot stress that vital records be computerize and centralized. Birth Certificates, SSN Cards, schoold records, medical records, particulary medication records.

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* The waiting list for mental health needs to shorten to within hours, not days or months, for both children and parents

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* "Normal" teenage activities must be allowed and fostered. Attending school dances, dating on some level and especially access to sports. Because of "transportation" issues every child I had as a Casa could not participate in after school or community sports because there was no one from the group or foster home willing or able to provide the transport.

**21. Recommendation 4D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Intervention must be early...at the beginning of the school years and early in the school semester. When a child failing, mid-semester is too late to pull out. Again, transport was a big issue to arrange tutoring or any additional help

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

Steven Meiers  
161 S. Woodburn Drive  
Los Angeles, California 90049  
tel: 310-476-2530  
fax: 213-229-6356  
email: smeiers@gibsondunn.com  
April 16, 2008

California Blue Ribbon Commission on Children in Foster Care  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Re: *Comments on the Recommendations of the California  
Blue Ribbon Commission on Children in Foster Care*

Dear Commissioners and Staff:

This letter comments on certain of the Recommendations of the California Blue Ribbon Commission on Children in Foster Care, not on a recommendation by recommendation basis, but rather from the perspective of someone who has considerable experience in some aspects of this matter and, while main stream, could be accused of thinking outside of the box. Please permit me first to introduce myself and provide background that led to these comments.

I am a retired partner of Gibson, Dunn & Crutcher LLP. With Judge Michael Nash, the Presiding Judge of the Dependency Court Division of the Los Angeles County Superior Court and a member of the Commission, I founded the Adoption Saturday program. To date, Adoption Saturday has resulted in the adoption from foster care of more than 10,000 abused and severely neglected children, most of whom would not have been adopted for many years, if at all.

It makes me so proud that Gibson, Dunn has handed more than 2,200 of these adoptions, all on a fully pro bono basis, far more than any other law firm. My name, as the attorney in charge, is on about 1,500 foster care adoption petitions, probably more foster case adoption petitions than any other lawyer. More than 500 Gibson, Dunn people – including more than 200 lawyers (both partners and associates, in numbers paralleling the partner/associate ratio), summer associates, paralegals, and staff – have worked as volunteers on Adoption Saturday.

I was with Gibson, Dunn & Crutcher for 32+ years, 25 as a partner, and while I was the partner in charge of Adoption Saturday at Gibson, Dunn until a couple of years after I retired at the end of 2000, I write for myself only.

Adoption Saturday was designed to eliminate the extraordinary delays in processing adoptions from foster care, once the Department of Children and Family Services ("DCFS") had decided to permit the adoption to go forward. Indeed, delays of years were common, as one

form after another was sent from the DCFS to counsel (it could take a month to just mail a form) and, after the form got to the top of the lawyer's pile, filled out and mailed back, with failure to dot an "i" or cross a "t" resulting in the process going back to square one. Sometimes a truly stupid issue having nothing to do with the merits would delay or derail the adoption.

Adoption Saturday, following business principles (I was a business lawyer), got the parties together to get the paper work done at one sitting and, at the same time, work out "glitches" (the most incredibly stupid things, all fixable with the right "can do" attitude, could hold up or prevent adoptions). Gibson, Dunn processed the paper work for hundreds of adoption in a single Saturday, when the Firm opened its offices to representatives of the DCFS, hundreds of prospective parents, the children to be adopted, and often a Judge, and had these paperwork Saturdays three times each year.

About a month after each paperwork day, the Dependency Court opened on a Saturday, for adoption confirmations only. These were days like no one has seen in a major law firm and, probably, a court – with, at the confirmation days, adoptive parents, family and children in their finest, balloons and teddy bears everywhere, and tissue paper mandatory equipment for lawyers.

The Judges handing adoptions were volunteers and included Chief Justice Ronald George, who lent his support to Adoption Saturday (I was delighted to be the lawyer for the first, and several more, of the adoptions over which Justice George presided). Judge Terry Friedman, also a member of the Commission, was on the Dependency Court Bench and also participated significantly in Adoption Saturdays

Following retirement – frustrated that more adoptions were not getting accomplished – I spent 5-1/2 months, about 2-1/2 days per week, as a volunteer consultant to the Los Angeles DCFS, most of that time with social workers or at division offices, learning the process and why it is so dysfunctional.

Hopefully, this introduction conveys that I may have the experience to comment in this area. Also, I will limit my comments to those where, I believe, I am knowledgeable enough for them be worthy of consideration, avoiding areas where my view that may well be no better than anyone else's. As presented below, these comments are overarching and propose a way to handle this enormous problem that, I believe, is almost infinitely better than the current system.

It seems appropriate to state the obvious – the effects on a child of being in the foster care until age 18 and then "emancipated" are horrific. As the Los Angeles Times reported several years ago, within a couple of years after emancipation from the foster care system, among other things and with overlap between these categories, about half of the emancipated foster children become homeless or are incarcerated, nearly half are unemployed and almost a third go on welfare, and 60% of the girls have children. These numbers, which are likely too low, do not begin to touch the fundamental, personal impact on children of not having anyone in their lives whom, they feel, really loves and wants them.

In my experience, government foster care statistics, including how many children are in foster care and how long they have been there, have scant credibility, or worse. There is no



doubt, however, that foster care is *inherently inadequate*, and , I respectfully submit, anything designed to "fix" it is going to be a band aid that inadequately covers unseen wounds.

There is one solution, and one only. Foster care children who can should be placed with a family member not a pedophile, drug user/peddler, or criminal and the others should be adopted, both swiftly. The DCFSs statewide do not do enough of the former and their record on the latter is abysmal and has been since I became involved more than a decade ago. That, respectfully, is *government child abuse*.

Foster children do not get put with relatives as much as they should, because of a feeling others might be better parents and, looking at some of these relatives from the outside, one can see how such a conclusion might be reached. That conclusion, however, is 180° wrong. Anyone thinking otherwise should read "*Hope's Child*" by Andrew Bridge, one of the few foster children who, while scared by his time in foster care, succeeded, becoming a lawyer and (now former) Executive Director of the Alliance for Children's Rights.

I am convinced there are two major reasons – and *only two* – why adoptions that should do not happen.

The first – on which I understand there can surely be honest dispute – is that too much time is spent on family reconciliation (not nearly so much of an issue when the child can be placed with relatives). Sure, there are reconciliation success stories after a child has been in foster care for years, but those stories are few and far between. The period in which parent(s) can get their children back or have parental rights terminated needs to be shorter – certainly no more than year and perhaps less. Children in foster care have been taken from their parents for reasons that can make your hair stand on end. They are understandably fragile, sometimes physically and almost always psychologically. If not in relative foster care, these children have no time to wait to be adopted by a parent or parents who will love them.

The second, independent of the first, is that once it is known there will not be family reconciliation (or after the period specified has passed), adoptions need to happen very fast, because *these children cannot wait*. But adoptions take years and years. Why? The reason, which I learned during my time as a volunteer DCFS consultant, came as a complete surprise to me. It is because the DCFS social workers – for reasons that seem correct from their "see the trees" only perspective– don't want the adoptions to happen swiftly, so they delay them!

How can that be? It is *not* because social workers are bad people. Quite to the contrary, they are not just the opposite, and they choose to be social worker so they could help people.

But, if you had followed social workers around for 5-1/2 months as I did, you would see what they see – a lot of prospective adoptive parents who don't fit any mold you'd like to have for adoptive parents. These are often poor people, uneducated, with limited social skills, and with residences that are do not meet cleanliness standards. Social workers know that post-adoption services are a myth. In the interests of the foster child, and knowing they lose the ability to assist once an adoption is complete, the social workers are going to help these people become better parents for the foster child. That "philosophy" – we can teach you to be a better

parent – permeates, as does its consequence. No doubt without even thinking why they are doing so, social workers will be invasive and "nit picky" in their "investigations," drag their feet, and find things to hold up adoptions, and they are very good at doing each of these.

Of course, Dependency Court Judges are often frustrated by the delays. They demand to know why a particular item, and then another, and then another, is holding up the requisite home study. Social worker after social worker gives a reason or reasons, and the matter is put off to the next hearing, when the same thing happens again, and this process continues and continues. Occasionally, social workers are sanctioned (perhaps \$100 – these are not highly compensated individuals (the Los Angeles, the DCFS pays), with this being a point of contention among social workers, whom, in my experience, too often do not like the judges they are called before.

In these cases, as well as when judicially imposed solutions covering many cases are proposed, the DCFS administrators with whom I have spoken have lauded judicial "intervention," saying it helps. That, of course, is a cop out – the DCFS is supposed to do on its own what the Dependency Courts, *necessarily piecemeal*, are forcing them to do.

I surely do not mean to say that action by Judge Nash, whom to me is a *hero*, Judge Friedman, and other Dependency Court judges have not helped thousands of children. Most assuredly they have. As you know, however, judges, who necessarily deal a case-by-case basis, have *limited ability to effect changes, particularly swift changes*. There is a simple fact here. Despite all of the hard work and good intentions, all of the judges, magistrates, social workers, and lawyers volunteering pro bono do not have the value to a child of a single family member or parent(s) who want and love that child, giving him or her the permanence that is nothing less than an essential foundation of our civilization.

With respect, while it may be extremely helpful to have more Dependency Court judges and make the highest priority dealing with children removed from their parents, enormously more is needed, almost all from the DCFS (or equivalent agencies) in California's counties. That "enormously more" is not, however, more social workers or multi-million or billion dollars more for the DCFS. That is not the solution, and it could even be counterproductive.

I have been involved in a great many foster care adoptions. Rare is the adoptive family that wants anything more to do with its social worker post-adoption or even at the adoption confirmation hearing. Indeed, probably the most common question I have gotten from adoptive parents is whether the social worker can be turned away if he or she calls or comes to the house.

Everyone knows someone, or knows of someone, who has adopted a child from China, India, Romania, or some other foreign country. Many of these children have never been held and will have serious problems as a result, and many (perhaps most) are not Caucasian. For every one of these people who have the "get up and go" and wherewithal to adopt from a foreign country, there are maybe ten people who would so adopt, but don't have what these people do to adopt abroad. Those people, while wanting or willing to adopt, however, will not adopt a foster child. The reason is that they will not put up with what the DCFS puts them through or with the delays and risks or non-confirmation inherent in the foster child adoption process.

*The consequence is that hundreds of thousands of children nationwide – perhaps one-sixth of them in California – languish in foster care and are condemned to suffer the horrific consequences for the rest of their lives.*

The solution, I respectfully submit, is to get adoptions done swiftly. Yes, I know, the social workers will justify what they do in the name of "child safety." That explanation, however, is not only just *plain wrong*, it is used to justify the continuing the current foster care system, a system amounts to nothing less than *government child abuse*.

To the contrary, the "safety and well being of foster children" – wards of the State (and the people) – is, as the Recommendations say, dependent on permanency, which means being with a relative or one or more adoptive parents. *The current system, unintentionally, sentences most foster children to not have that permanency or loving parent(s)*, something most of us took for granted. If the current system is continued, fundamentally the failed obligations to these children will also continue, with the ebb and flow of small improvements and regressions.


This is *not* about the safety of children being adopted – that can be assured, *fully as much as it is now* (which is inherently imperfect), by running names and finger prints through criminal arrest and conviction records and by interviews with family, neighbors and friends, all of which can be done swiftly. And, *most important, the safety of children is not assured by the current foster care system. Instead, that system effectively abuses children.*

How can what is needed be accomplished? Simply, by having maximum times for family reunification and then for the adoption process (get it done in six months or prove why you haven't, get it done within a maximum of ten months no matter what, with monitored checks and benchmarks each step of the way,). An alternative is privatization – with bonuses for adoption completions and a multiple of the bonus for adoptions that fail or where there is abuse. Unhappily, if legislative changes are needed, I doubt the legislature has the political will to fight the social workers unions and media articles they will generate, and foster children don't vote or contribute to campaigns. Perhaps this can be judicially imposed. Perhaps a little of each.

But anything short of this, I respectfully submit, is that band aid. Some foster children will be helped, of course, but not the overwhelming majority, who need permanence and need it fast. In the name of "child safety," the overwhelming majority of those children will remain in foster care, and they, and society, will suffer the awful consequences. I respectfully submit that, to do the greatest good for the by far the greatest number, what is suggested in this letter needs to be done and nothing else has a chance of working as well.

Thank you for your consideration of this letter. If I can be of assistance, please do not hesitate to contact me.

Respectfully submitted,

  
Steven Meiers

April 13, 2008

California Blue Ribbon Commission on Children in Foster Care  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Gentlemen,

I do not believe that I was successful in my email attempt to send these comments so I am sending the following comments concerning your draft report by regular mail:

### **Blue Ribbon Comments**

During the many meetings I attended and discussions concerning faults in kinship care providers there was one overriding issue. This Overriding issue has not been addressed in the draft document that you have presented. That is the issue of the absolute power of the social worker and their line of command. There is currently no effective way for parents or kinship care providers to challenge gross and damaging inaccuracies in reports to the court, or damaging conduct on the part of the social workers.

Reading your draft report, it becomes clear that the AOC can only address issues that concern the court itself and that with the time constraints the court does not have the time or resources to, in any way, challenge the input of the social worker. Thus the social worker assumes "godlike" powers (usually without "godlike" wisdom to accompany these powers) in the **life of innocent children**.

I do applaud many of the suggestions that would give the court more time and resources. These changes have the possibility of some major improvements. They will certainly be useful if implemented in a timely manner, and then are utilized. They will, however, involve large expenditures and will be subject to budgetary constraints even if fully adopted "on paper".

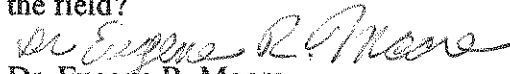
I suggest we also move in the direction of "sunshine" in the courtroom. Sunshine would add no additional cost and could be implemented immediately. Sunshine would allow (at no cost to the court) the power of a free press to view the proceedings and bring to the public eye any irregularities, mistakes, lies etc. It would also allow anyone with an interest in the well-being of the kinship children to bring wrong doings to the attention of the court or the free press, if (as now) the court is not receptive.

Sunshine on court proceedings is a right **given to the most heinous of criminals** but is **denied to completely innocent children**. The reason given for this is confidentiality in order to "protect" the children. It is difficult to see the slightest benefit to the Children from this arrangement. Unless you can keep confidential that children are removed from

their parent's, from their school, from their neighborhood, and church everyone already knows everything (in the children's interest) that the court might be concerned with them finding out. It is much easier to see benefit to the social worker and the social service system and even, to a lesser extent to the Court System (but why should they benefit?). Perhaps parents, in the case of criminal abuse, would benefit (but why should they benefit?). California is lagging behind other states that have opened the court doors.

Without "sunshine", the social worker is able to operate with the efficiency of unchallengeable dictatorial powers. In the hands of a few social workers this works well but most are somewhat or totally corrupted by this degree of total power. These workers may and do force actions that cause great injury to the life of the innocent children within their power. Collateral damage is of course done to associated families, kinship care providers, and to society as a whole.

Finally I would like to bring attention to what I would term "well intended" but misdirected funds. Social services are given absolutely magnificent buildings to work from when their real work is in the field with clients. This fieldwork does not require much of an office since they will spend little time there. It seems wise to ask if this money could not and should not in the future be directed more efficiently. For example, how about hiring more social workers, Judges, and attorneys? How about providing vehicles for the social worker to use as a mobile office and perhaps equipping them with voice recognition computers that would allow necessary "paperwork" to be completed in the field?

  
Dr. Eugene R. Moore  
1691 159<sup>th</sup> Ave  
San Leandro CA 94578  
Email: [mooreer@aol.com](mailto:mooreer@aol.com)  
Cell: 510 967 6079  
Home: 510 276 7098

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 80 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 68.5.233.132**Response Started:** Sun, 5/11/08 10:06:22 PM**Response Modified:** Sun, 5/11/08 11:07:09 PM**1. Please provide the following information.**

Name: - Wayne Morrow

Title: - Senior Attorney -Certified CWLS

Agency/Organization: - LADL 2

Address: - 1000 Corporate Center Drive, Ste 430

City/Town: - Monterey Park

State: - CA

ZIP/Postal Code: - 91754

Country: - USA

Email Address: - wayne.morrow@gmail.com

Phone Number: - 310-936-4483

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation

**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

Agree with the selected recommendation

**7. Recommendation 2A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* It is critical to put experienced judicial officers in place who truly understand the socio-economic, racial and ethnic forces impacting the perceptions of both the families focused upon and the social services agency personnel making detention, service provision and reunification decisions.

**8. Recommendation 2B**

Agree with the selected recommendation

*Comment:* Too often fathers are being targeted for exclusion rather than inclusion: Finding fathers and fostering their involvement in their children's lives is critical.

**9. Recommendation 2C**

Agree with the selected recommendation

*Comment:* This recommendation is of course what is already required of any judicial system that serves those who find themselves involved with it.

**10. Recommendation 2D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* The necessity for caseload size reductions has been thoroughly investigated and adequately identified - yet continues to be ignored or worse considered a luxury rather than a prerequisite for effective assistance of counsel. Compensation standards (including meaningful retirement options) need to be consistent across agencies representing the various parties.

**11. Recommendation 2E**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Nonadversarial should not mean that represented parties' counsel is excluded. Just as counsel contributes to successful mediation outcomes; counsel can help clients make informed decisions in conference with DCFS personnel. As currently practiced in Los Angeles County - family group decisionmaking, conferencing, etc. is too often being utilized as a coercive mechanism which depends upon and defends exclusion of represented parties' counsel (and counsel's investigative support staff) as the basis for its persuasive power.

**12. Recommendation 2F**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* The judicial officers, like the lawyers, need manageable caseloads. Currently, in Los Angeles County excessive caseloads and late DCFS reports drive the process. The tale is wagging the dog - so to speak. What is happening is not substantive and procedural due process but rather a race to avoid bad stats.

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Data sharing must include the counsel for the parties. Currently in L.A. County DCFS and their counsel endeavor to exclude parties counsel for access to decision making conferences and discoverable information in the CWS/CMS data bank. Information must be shared by all parties as well as those responsible to provide services.

**15. Recommendation 3B**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Economic education and real job opportunity is crucial to revitalizing, maintaining and rebuilding viable families. Private and public agencies need to be energized to identify and supply this component to any program intended to assist families to obtain and maintain stability.

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Many of the parents who find themselves involved in dependency proceedings are either ex-foster kids or folks from impoverished families and communities. These parents need the same types of opportunities to see and do more than what has been their norm.

**21. Recommendation 4D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Most dependency parents need the same type of educational and job training support.

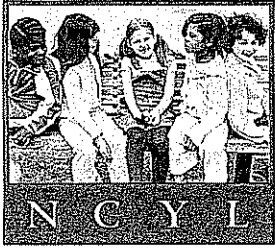
**22. Recommendation 4E**

No Response



[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35



## National Center for Youth Law

**Director**

John F. O'Toole

**Deputy Director**

Patrick Gardner

**Senior Attorneys**

Pat Arthur

Admitted only in NY & WA

William L. Grimm

Admitted only in MD

Rebecca Gudeman

Leecia Welch

**Attorneys**

Molly Dunn

Bryn Martyna

**Of Counsel**

Diane Bessette

Edward Opton

**Equal Justice Works Fellow**

Fiza Quraishi

**Director of Development**

Dan De Vries

**Director of Communications**

Tracy Schroth

**Administrator**

Maria Salzano

**Assistant to the Director**

Frankie Guzmán

**Administrative Staff**

Ethel L. Oden-Brown

Dainellee D. Stoll

May 13, 2008

California Blue Ribbon Commission on Children in Foster Care  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

RE: Comments on Draft Recommendations of the  
Blue Ribbon Commission on Children in Foster Care

Dear Commission Members:

On behalf of the National Center for Youth Law we are writing to support and endorse the Draft Recommendations of the California Blue Ribbon Commission on Children in Foster Care. The Commission's Recommendations set forth specific ways in which outcomes can be improved for the children and families involved in the child welfare system. They affirm practices that promote healthy families and ensure greater safety for children.

Since every child enters foster care through the portal of the juvenile court, the emphasis on the courts' role in promoting better outcomes for children and their families is a very important theme throughout the recommendations. The recognition that improvements in the courts' handling of dependency cases should be informed by the adoption of performance measures as set forth in Welfare and Institutions Code §16545 is, in our opinion, one of the key recommendations. Furthermore, we believe that the Commission's focus on the obstacles to the sharing of information among the courts and the agencies providing services to families and children will act as a much-needed catalyst to those obstacles being eliminated. Data sharing both in the individual case and on a broader systemic level is key to improving services to families and outcomes for children.

The Commission also recognizes that significant changes in policy, including the expansion of foster care eligibility for children between 18 and 21 and greater flexibility in the types of services for which federal funds may be used, are a key to system improvements.

We offer the following comments that we believe build upon the principles adopted by the Commission and help to clarify some recommendations. We begin with a few general comments and then provide suggestions for specific sections of the Draft.

- There are references throughout the Recommendations to “partner agencies”, “local partners”, “partnering agencies”, and “other trusted partners.” In most instances these terms appear to refer to “agencies providing services to children and their families.” The “agencies” may include government agencies having a mandate to provide services – e.g. child welfare or the schools – or private agencies both non-profit and profit. Clarifying who these “partners” are will improve the public’s understanding of the Recommendations.
- Absent from the statements and recommendations concerning “reasonable efforts” is any discussion of the balancing that is implicit in the determination of what is and is not “reasonable” in a particular case. This “reasonable efforts” language originates with federal policy that now makes it clear that the child’s safety is paramount. Did the Commission make a conscious and deliberate decision in not referencing this principle in its recommendations?

#### Recommendation 1 A

We recommend that the third bullet be modified to “**At the earliest possible point in their involvement with the family, [c]hild welfare agencies engage family members ...**”

Engaging family members, whether it is through their participation in Family Team Decision-Making or as a placement resource for a child is critical to the well-being of child and family. However, oftentimes this happens too far down the road, after the child has been in the system for a considerable period of time. Although this early identification of relatives is found in Recommendation 2B, we suggest it be included here as well.

#### Recommendation 1B

California does quite well in the percentage of children placed with relatives and this practice should continue. However, the suggestion that state and federal leaders “develop greater flexibility in approving relative placements...” we believe is too vague. In the rush to place children with relatives, child safety should not be compromised. We suggest adding the following sentence after the first bulleted sentence: **As with all placements, the safety and well-being of the child and the relative’s ability to meet the child’s needs should be the key**

**factor in determining whether placement with a relative is appropriate.** Furthermore, it is important that once approved these relative placements receive support and some scrutiny. Therefore, we suggest adding a bullet stating **Family members who care for children placed with them by the courts or child welfare agencies are entitled to and should receive the financial assistance and other supports necessary to enable them to care for the child.**

We applaud the Commission's encouragement of legislation extending the age limit for which youth may continue to receive federal and state foster care assistance. However, more is needed here beyond fiscal policy changes. We suggest adding a recommendation that **Courts should carefully scrutinize any recommendation that its jurisdiction over older (aging-out) youth in foster care be terminated.**

#### Recommendation 2 B & C

In both of these Recommendations there is some recognition of the importance of caretakers'/caregivers' attendance at hearings. We do not believe these statements go far enough in recognizing the importance of foster parents' and relative caregiver's contribution to the court decision-making process. Elsewhere in the recommendations, the importance of "informed" findings by the court is acknowledged. See e.g., Recommendation 1A.

Although California has adopted a Caregiver Information Form, there is little uniformity among courts on the extent to which foster parents and relatives are included in the decision-making processes. If the court is going to be able to make informed decisions about children in foster care, it would seem unlikely that it could do so without the input of the person caring for the child. As the Commission encourages the Judicial Council to take up certain other issues, we suggest that the Commission add a recommendation that **[T]he Judicial Council develop guidelines for the participation of foster parents and relatives in all hearings concerning the child(ren) in their home.**

#### Recommendation 2 D

We suggest that the first part of this recommendation be amended to state **[T]he court's ability to make fair, timely, and informed decisions requires attorneys...**

#### Recommendation 2F

AB 2216, the Child Welfare Leadership and Performance Accountability Act of 2006, established the Child Welfare Council and requires the adoption of uniform measures for assessing juvenile courts' performance in achieving better outcomes for children. As a sponsor of AB 2216, the National Center for Youth Law applauds the Commission's emphasis on the development of performance measures for the courts. The current recommendations call for safety, permanency, timeliness of court hearings, due process, and child well-being to be

included in court performance measures. We agree.

The Commission acknowledges at the outset “the judicial system is burdened by crowded dockets and inadequate information.” Consequently, we suggest that the earlier recommendation for “informed findings” on reasonable efforts be carried forward here so that “informed decision-making” is added as a measure of performance at each stage of court proceedings. How this would be measured should be left to the Judicial Council. We can envision several ways to accomplish this. One simple indicator might be the number and diversity of persons attending the court hearing. If the caseworker, child, CASA, parent, attorneys, and relative/foster parent are present this may provide some sort of proxy for an informed process. Length of time for the hearing might be another proxy. Other measures to consider may be found in reviewing the practices of the Model Courts supported by the National Council of Juvenile and Family Court Judges.

The Commission may also want to consider adding several other recommendations to this section. Recommendation 2D includes a provision that the “Judicial Council advocate for resources necessary to implement .... caseload standards...” We suggest the Commission carry this statement forward into this section and call upon the Judicial Council’s support here as well.

In order to assist the courts in developing practices that improve child outcomes, data should be collected from a variety of sources and through different means. Rather than rely upon whatever administrative data is gleaned from the CCMS and the CWS/CMS, the Commission should consider suggesting that this administrative data be supplemented, as it is in the federal CFSR process, with interviews with parties to the proceedings, individual case review, and other data collection methods.

Finally, we suggest that the description of how the performance measures should be used be modified slightly so that the first sub-bullet reads **“To assist the court in identifying obstacles to ensuring fair, timely, and informed hearings...”**

#### Recommendation 4D

AB 490, enacted in 2003, called for many reforms in the education of foster children. The National Center for Youth Law has spent considerable resources helping to implement those reforms. We support the Commission’s emphasis upon educational services for foster youth and its affirmation of many of the principles of AB 490. However, in addition to ensuring that foster children receive the full education they are entitled to, we believe that the courts play a similar role in ensuring that children’s health and mental health needs are being met. The recommendations implicitly acknowledge this by referencing evidence-based practices and therapeutic foster care. See, e.g. Recommendation 4A. We suggest that the Commission add language to Recommendation 4 emphasizing the importance of timely, effective health and mental health services to the well-being of children in foster care.

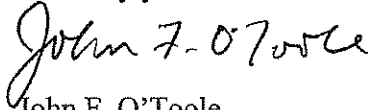
California Blue Ribbon Commission on Children in Foster Care

May 13, 2008

Page 5

In closing, we want to again applaud the efforts of the Blue Ribbon Commission and to assure the Commission that we stand ready to help in getting these Recommendations implemented.

Sincerely yours



John F. O'Toole  
Executive Director



William L. Grimm  
Senior Attorney

## Lafrenz, Megan

---

**From:** John Nieman [jnieman@juveniledefenders.com]  
**Posted At:** Tuesday, May 13, 2008 2:43 PM  
**Conversation:** comments  
**Posted To:** CBRC  
  
**Subject:** comments

The following are in addition to those comments I submitted online yesterday:

### Recommendation 2A

Much care has been invested into the development of (our) hiring practices for attorneys who will represent parents in Juvenile Dependency Court. The fact is that long-term practice in this field requires a particular temperament and interest. I would suggest that the same perspective be applied to the choice of judges who will do dependency work. It is unlikely that a judge would invest the time and energy required to be a leader of a dependency system without sufficient interest and temperament. Furthermore, service delivery improvement requires knowledge of the total system in which families find themselves when their lives are being partly controlled by the Juvenile Court. Only after a judicial officer gains expertise through practice in our field can s/he even begin to actually take a leadership role in the ongoing development and improvement process required to deliver quality services to clients. For this reason, among others, even 3 years, while no doubt better than any lesser amount of time, is inadequate as a minimum term in Juvenile Dependency Court. Finding judicial officers who are interested and committed to the work should completely obviate any perceived need to rotate judicial officers. I know of one judge who had to tell the local presiding judge that if he was forced to rotate after 3 years (as was (and maybe still is) the practice in Fresno) that he would retire -of course this was after having politely declined the proposal that he rotate out of juvenile dependency. So an additional question for the Judicial Council/AOC, whomever takes up the work, is why jurisdictions have such policies and why they are so tied to the notion that rotation is good? Rotation may be great for many judging roles, but it is disastrous to a dependency system! Terms in Juvenile Dependency Court should be indefinite or permanent.

Ideally judges would do this work, instead of subordinate judicial officers, but not because they have better judgment or are more committed. It is because judges have a kind of (job) security and immunity that subordinate judicial officers do not share.

### Recommendation 2D

Adequate pay for attorneys would solve a lot of the problems recommendation 2D attempts to address.

Do DA's and PD's have a state-wide "methodology" applied to them to determine their effectiveness? If the answer is no (and the answer is 'no'), then why would it be necessary in Juvenile Dependency Court? More importantly, I think that it is VERY important to attempt to answer the question: Why was such a process (of evaluation) even suggested in the first place? Answer that question and you'll understand 1) why a Blue Ribbon Commission was necessary in the first place, and 2), what your biggest challenge is to reform. But getting back to the 2D evaluation recommendation, create competition for such jobs by improving compensation and quality of work life and you won't need to determine "attorney effectiveness", and that will save \$, incidentally.3

GOOD LUCK, and thank you for your efforts!

John Nieman  
Santa Clara Juvenile Defenders

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 83 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 66.92.15.62**Response Started:** Mon, 5/12/08 10:54:17 AM**Response Modified:** Mon, 5/12/08 12:22:27 PM**1. Please provide the following information.**

Name: - John Nieman

Title: - Assistant Director

Agency/Organization: - Santa Clara Juvenile Defenders

Address: - 31 N. 2nd St., Ste. 330

City/Town: - San Jose

State: - CA

ZIP/Postal Code: - 95113

Country: - USA

Email Address: - jnieman@juveniledefenders.com

Phone Number: - 408-995-0442 x34

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation

**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

Agree with the selected recommendation subject to modifications suggested below



*Comment:* This should include passing of local rules of court (if it cannot be done at the state level) to insure that only appropriately trained judicial officers may hear dependency cases as well as priority for such basic resources as interpreter services in court. As to appropriate judicial training, a judicial officer should NEVER hear a juvenile dependency case without proper training -and basic judicial training is insufficient to preside over dependency cases.

#### 7. Recommendation 2A

Agree with the selected recommendation subject to modifications suggested below

*Comment:* This should include fostering a 'permanent' judicial officer who is not 'rotated out' after some arbitrary time period. Saying a minimum of 3 years is fine, but may be seen as giving an approving nod to jurisdictions that regularly limit assignments to 3 years; judicial officers' roles in dependency cases are central and there is no substitute for the management and development efforts which a presiding juvenile dependency court judge can offer for long-term systemic improvement. Minimum time periods are perhaps an improvement in some systems, but I have experienced the 3-year limits and they are very disruptive and perpetuate an attitude in the judicial officers that stifles long-term thinking and improvements; what dependency systems need are permanent, career judicial officers.

#### 8. Recommendation 2B

Agree with the selected recommendation

#### 9. Recommendation 2C

Agree with the selected recommendation

#### 10. Recommendation 2D

Agree with the selected recommendation subject to modifications suggested below

*Comment:* The historic change in funding of dependency representation that decreased it to the point that public defender offices were unable to maintain the salaries of the attorneys doing the dependency work has evidently come to roost. One of the goals of the DRAFT (Dependency Representation Administration Funding and Training) program is to promote retention of qualified attorneys. A primary source of turnover of parents attorneys is the disparate funding between parents and childrens' attorneys on one side and their publically funded counterparts (County Counsel and sometimes DA's or PD's who represent children). This difference in funding basically says that the work the underfunded parents and children attorneys do is not highly valued. Just as funding for public defenders and district attorneys is done, so must the state simply commit to funding of court-appointed representation in dependency court. The caseload standard for court-appointed adopted by the Judicial Council of 188 with a half-time paralegal is not best practices, but a maximum, designed to squeeze every possible service out of the meager funding which is inadequate to begin with. In short, unless the Judicial Council, the state administration, and the legislature are willing to commit to minimum standards in terms of funding, all of the problems with representation -in terms of retention and quality of service delivered- will continue. You get what you pay for, and you don't get what you don't pay for. Of course this will mandate a significant increase in funding, and this is perhaps the largest challenge facing the Commission. At some point you have to conclude that inadequate funding is simply NOT OK!! I think it is obvious, but be sure to closely examine the motives for creation of the caseload standards proposed by the DRAFT program - current and former- and you'll see that funding issues have driven and restricted the entire process. You'll see that best practices is 100 cases per attorney MAXIMUM! I'm afraid that basic funding levels need to be multiplied by some significant number (greater than one) to realistically address these issues, so don't waste your time trying to improve court-appointed representation without that basic issue covered first.

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Do not agree with selected recommendation

*Comment:* This is like complaining about the quality of teachers in public schools. When talent doesn't enter fields of work because of inadequate pay, the quality of work in that field will suffer. This has nothing necessarily to do with professionals' intentions. Bean counters want accountability, but holding professionals' feet to the fire in an environment with inadequate funding is just insulting. Data collection and analysis is basic to system improvement these days, so certainly such efforts in the dependency system would be helpful. But I would question the efficacy of the use of data to measure system improvement vis 'outcomes'. One 'outcome' improvement would be increased funding for attorneys, period. Increasing funding for court-appointed attorneys will not necessarily produce other measurable 'outcome' improvements. Quality of due process is a value in and of itself. That's the reason for adequate funding to criminal DA and PD offices throughout the state. That same value MUST be recognized for court-appointed representation in dependency court.

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation

**15. Recommendation 3B**

Agree with the selected recommendation

**16. Recommendation 3C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* A nice thought, but it is entirely impractical (indeed, I'd almost say impossible) for ('local' and Tribal) courts to 'share' jurisdiction. That being said, just because a tribal court has jurisdiction over a case should not mean that access to resources available to the local County Superior Court and Child Welfare Agency is diminished in any way.

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation

**21. Recommendation 4D**

Agree with the selected recommendation

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 42 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 64.163.80.70**Response Started:** Fri, 4/18/08 6:04:22 PM**Response Modified:** Fri, 4/18/08 6:11:26 PM**1. Please provide the following information.**

Name: - Glenn P. Oleon

Title: - Commissioner

Agency/Organization: - Alameda County Superior

Address: - 24405 Amador Street

City/Town: - Hayward

State: - CA

ZIP/Postal Code: - 94544

Country: - USA

Email Address: - goleon@alameda.courts.ca.gov

Phone Number: - (510) 690-2784

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

No Response

**4. Recommendation 1A:**

No Response

**5. Recommendation 1B:**

No Response

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Delete the recommendation that only judges, and not commissioners and referees, should hear juvenile dependency and delinquency cases. Subordinate judicial officers frequently bring a much higher level of experience, expertise, energy and enthusiasm to this critically important assignment than do judges, who most often are assigned to juvenile court as unwilling "draftees" and who rarely serve in this assignment longer than the bare minimum required by their presiding judges.

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

## COMMENTS REGARDING DRAFT RECOMMENDATIONS OF THE CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

The following comments are submitted jointly (except the Public Defender's Office) by the attorneys practicing juvenile dependency law in Department L-32 of the Orange County Superior Court, Judge Carolyn Kirkwood, presiding.

We appreciate the work of the California Blue Ribbon Commission on Children in Foster Care, and the thoughtful work that has gone into the draft recommendations of the Commission. We also appreciate the opportunity and invitation to present comments on the draft recommendations of the Commission.

We offer these comments to highlight the practices of our unique dependency practice in Department L-32 in Orange County and how these practices overlap with the recommendations of the Commission.

The undersigned attorneys include parents' attorneys, deputy county counsels and minors' attorneys. Experience in dependency law for each attorney ranges from one year to 30 years. The undersigned attorneys represent a combined 60 years of juvenile dependency experience. Each attorney recognizes his or her ethical duty to represent their client zealously within the context of the collaborative environment of juvenile dependency practice.

The Department L-32 caseload averages 25 children per day and approximately 125 children per week. Department L-32 is staffed with two deputy County Counsels, 2 deputy Public Defenders, one and one half juvenile defender positions, one and one half minor's counsel positions with 4 investigators assigned to each minor's counsel, two court officers, and two courtroom clerks. The courtroom is also staffed with an additional conflict law firm and a panel of court-appointed dependency attorneys on an as-needed basis.

We agree with the Commission that child safety should be the first priority of the juvenile dependency court system. The next focus should be on reunification of the family as quickly as is consistent with the safety and well being of the children. We believe that with increased resources and individualized attention to dependency cases, we can increase the success outcomes of both priorities.

Practicing in Orange County, our Court follows the direct calendaring model of "one court, one family," meaning that one courtroom and one Judge or Commissioner handle the case from initial hearing through to closure.

In Orange County, and our particular courtroom more specifically, we actively employ a number of the Commission's draft recommendation with great success.

In Department L-32, attorneys meet, confer and negotiate cases for one hour prior to the Judge taking the bench. Our Judge employs a morning calendar call to identify issues and

potentially contested matters and to facilitate resolution. A significant number of matters are collaboratively resolved between the parties before the Judge takes the bench. Uncontested matters are handled in the morning; contested matters are handled in the afternoon. Through collaboration, informal discussions between counsel and the bench, and stipulations, many contested matters are resolved without hearings. However, ample time is dedicated to matters that require contested hearings.

We are experimenting conducting the Pretrial conference hearings on Fridays to allow sufficient time for the parties and attorneys to negotiate and achieve dispute resolution as appropriate.

Social workers frequently attend court proceedings on their cases, as do the assigned CASAs and education attorneys. Dependent children are brought to court whenever they desire to be present. Our Judge engages in informal discussion with attorneys, CASAs, assigned social workers and dependent children.

The minor's attorney has an investigator assigned to each child's case from initial hearing through to closure. Minor's counsel sees every child before every statutory hearing—including seeing children in placement out of county, out of state and out of the country.

Our Court frequently utilizes the services of CASAs and 730 evaluators in order to obtain the most amount of information necessary to ensure decisions are made in the best interest of the children. Our Court also frequently appoints education attorneys for children with special educational needs, to ensure that a child's educational needs and goals of any individual education plan (IEP) are being met

Orange County employs a number of strategies to successfully ensure that reasonable efforts are undertaken to prevent or eliminate the need for removal of children from their parents. Additionally, a wide variety of programs and resources are utilized to facilitate family reunification and prepare teenage minors for successful emancipation. Orange County also has a dependency mediation program, as well as consortium for children to allow for agreement between the parties regarding post-adoption family contact.

Negotiated resolution rates are high and continuances of contested matters are rare. This ensures timely resolution of contested issues so that the focus can remain on appropriate family reunification or family maintenance.

It is the consensus of our team that we are successful in reunification and ultimately, closure of cases, based on this model, with a low occurrence of renewed dependency proceedings.

We support additional funding for dependency drug courts, as well as other specialized treatment courts, such as domestic violence dependency court, mental health dependency courts, and teen girls' court.



We are supportive of the implementation of performance measures in dependency to evaluate outcomes for children and families.

We believe that that the experience level and commitment to dependency law of a bench officer is more important than whether a particular bench officer is a judge or a commissioner by title.

We believe that continuity of counsel and bench officers on dependency matters lead to better outcomes for children and families.

We look forward to the final recommendation of the California Blue Ribbon Commission on Children in Foster Care. We appreciate the continued work of the Commission and appreciate the opportunity to present these comments on the draft recommendations of the Commission.

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 30 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 66.244.5.20**Response Started:** Mon, 4/7/08 11:40:37 AM**Response Modified:** Mon, 4/7/08 11:47:50 AM**1. Please provide the following information.**

Name: - Tracie Palmer

Title: - Mommy

Agency/Organization: - Mother

Address: - 11756 Scott Road

City/Town: - Redding

State: - CA

ZIP/Postal Code: - 96003

Country: - USA

Email Address: - tfpalmer@yahoo.com

Phone Number: - 5302442358

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* This is already the stated goal of the Welfare & Institutions Code. The fear for me is that Social Services and their workers will see "improvements" as something other than what is needed to keep families together.**4. Recommendation 1A:**

Agree with the selected recommendation

*Comment:* Again, these are all stated goals ALREADY - just make social workers accountable and less "immune" from lawsuits/prosecution.**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Not all family members are healthy connections for children - certainly family members should be investigated at least to the extent that foster families are to ensure that children are not the prize in a family fight.

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 56 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 75.208.56.152**Response Started:** Fri, 4/25/08 11:58:33 PM**Response Modified:** Sat, 4/26/08 12:54:07 AM**1. Please provide the following information.**

Name: - Pamela

Title: - NFPCAR Director for NV

Agency/Organization: - NFPCAR

Address: - P.O. Box 3416

City/Town: - Sparks

State: - NV

ZIP/Postal Code: - 89432

Country: - USA

Email Address: - sierra@rome.com

Phone Number: - 775.750.7687

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Do not agree with selected recommendation

*Comment:* If the Courts were presented with the entire truth, instead of simply DSS's side, there would not be so many children in the System. DSS's role, through SACWIS (State Automated Child Welfare Information System) or CA's Central Index is to catch child abusers, not protect children. There seems to be a conflict between DSS's function to remove children (which means they are catching a child abuser) and another function, here, to prevent removals? Would you all like to tell the real truth about what is wanted here? Money?

**4. Recommendation 1A:**

Do not agree with selected recommendation

*Comment:* All of this is already in effect. What is different, here? Foster Care available until a person is 21 would be good. Expedition of services seems that more money is needed, again. The Courts need to be informed of more than the System that is set up to inform them in the System's pursuit of catching child abusers. DSS operates outside the

Constitution of the US with no due process of law. Case plans are nothing but an admission of guilt of child abuse. Parents are persecuted and lied to about cooperation with DSS in order to get their kids back. What a horrendous evil this is when in fact, DSS does not exist to help families, but to catch child abusers. Just what is the joke, here? Case Plans, themselves are designed to make it impossible for parents to comply with in order that their children remain in the system, making the action of removal a correct one and the goal of catching a child abuser met & achieved.

#### 5. Recommendation 1B:

Agree with the selected recommendation

*Comment:* Quite frankly, we need a Termination of Federal Title IV-E, CAPTA and all related legislation up until this point. Reform is no longer an option with the DSS Gestapo keeping secret files, having secret police and presuming caregivers guilty-even-if-proven-innocent to line pocketbooks. America was much better off and a strong country before Welfare.

#### 6. Recommendation 2

Do not agree with selected recommendation

*Comment:* When it comes to removal of children and catching child abusers, DSS uses the convenient pool of foster care homes to persecute foster parents. Foster Parents then have no legal interest except through de facto parent, friend of the court and interested party. Foster parents should be recognized and given status before the court with regard to foster child removal & DSS persecution. It is a known fact that when Foster Parents request services from the System in the pursuit of the best interests of the child that these foster parents/foster family are then targeted for removal. This is also the case when foster parents wish to adopt the foster children as encouraged by DSS.

#### 7. Recommendation 2A

Do not agree with selected recommendation

*Comment:* These reforms are nothing about Reform, but about gaining funding.

#### 8. Recommendation 2B

Agree with the selected recommendation

*Comment:* Foster parents need to be given status with regard to foster children removed from their homes

#### 9. Recommendation 2C

Agree with the selected recommendation

*Comment:* This makes it more feasible that the Court will hear all sides of the story, not just DSS persecutorial fabrications.

#### 10. Recommendation 2D

Do not agree with selected recommendation

*Comment:* The CASA program is wonderful when good CASAs are working toward the best interests of the children. However, this does not go along with the System's true goal of "catching child abusers" which means the removal of children to make the case against child abusers. So, because good CASAs advocate in the best interests of the child

and this goes against DSS functions, good CASAs are drummed out of the System and looked upon as though they are uncooperative. The Court needs to be in charge, not DSS.

**11. Recommendation 2E**

Do not agree with selected recommendation

*Comment:* DSS needs to be taken down notches, not upped them. DSS needs to adhere to court orders. DSS needs to have proof of child abuse in removal of children. The court would do well in seeing that this is so, instead of extending DSS power & persecution further.

**12. Recommendation 2F**

Do not agree with selected recommendation

*Comment:* Children's well-being is not the goal of this System. Children are just so much collateral damage and simply a means for DSS to catch child abusers to line their pockets with money. The court has no role in the child welfare system except to do what DSS says and play the game of a kangaroo court.

**13. Recommendation 3**

Do not agree with selected recommendation

*Comment:* The only barriers are conflicts of interests between those interested in the well-being of children and DSS's function in catching child abusers. DSS is not interested in the well-being of children, only in catching child abusers.

**14. Recommendation 3A**

Do not agree with selected recommendation

*Comment:* Obviously this "Reform" is about executing more of ACF/Childrens Bureau functions and gaining funding for doing it, not Reform.

**15. Recommendation 3B**

Do not agree with selected recommendation

*Comment:* The only barriers that need be overcome include access of records and files by those being persecuted -- including the records of the Central Index. Fulltime staff needs to be put on board to provide requested files (blacked out where necessary for children's privacy) for lawsuits against DSS. The Central Index has been ruled and upheld as Unconstitutional and therefore has no function. It needs to be eliminated. Since the Central Index (SACWIS), is in fact, DSS, it means eliminating DSS.

**16. Recommendation 3C**

Do not agree with selected recommendation

*Comment:* Tribal Courts are an entity unto themselves and should be sovereign as such.

**17. Recommendation 4**

Agree with the selected recommendation

*Comment:* If foster care is to exist, there is not enough money that can be given to these families for what foster parents do -- and, they should enjoy free attorney representation for when DSS decides their family is next in line for devastation and persecution.

**18. Recommendation 4A**

Do not agree with selected recommendation

*Comment:* This simply perpetuates a System that needs eradication = DSS

**19. Recommendation 4B**

Do not agree with selected recommendation

*Comment:* Why would we want to give \*more money\* to a System that already gets paid back from the birth parents and children in care, themselves? What is wrong with this picture. With the \$100's millions every year, a System should be able to operate off the interest, only.

**20. Recommendation 4C**

Do not agree with selected recommendation

*Comment:* Extra anything in the hands of corruption does no good. Let's see, maybe if there is not enough money for this, DSS needs to check their worker's pockets for Gift Cards they steal from the kids.

**21. Recommendation 4D**

Do not agree with selected recommendation

*Comment:* DSS simply pursues these children after-the-fact to repay services provided, thus putting undo burden on our young, already-traumatized adults. These service-receivers do not even know they will be pursued later for repayment to the system.

**22. Recommendation 4E**

Do not agree with selected recommendation

*Comment:* Subsidies supplied through DSS are constantly up for "re-negotiation" which amounts to pressure on the family to lower (not increase) the subsidy funds they receive. "no money" is not in the best interests of the child. Undue pressure is applied with the threat of removal of children hanging over parents' heads to cooperate. DSS does what they want, when they want and how they want using the implied threat that (evilly) children will be removed from the family for compliance to DSS wishes.

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35



survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 54 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 96.229.243.48**Response Started:** Fri, 4/25/08 11:45:14 AM**Response Modified:** Fri, 4/25/08 12:03:22 PM**1. Please provide the following information.**

Name: - Mary Parker

Title: - Foster Parent

Agency/Organization: - FHSN

Address: - 29130 Blue Moon Dr

City/Town: - Menifee

State: - CA

ZIP/Postal Code: - 92584

Country: - USA

Email Address: - parkerm1228@aim.com

Phone Number: - 9513015842

**2. Are you commenting on behalf of your organization?**

Yes

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation

*Comment:* Children should avoid negative sources, people, places, things and habits, they need to believe in themselves, consider from every angle, not to give up and don't give in, enjoy life, family and friends are hidden treasures, enjoy them.

**5. Recommendation 1B:**

Agree with the selected recommendation

*Comment:* Children need to open their eyes an see things as they are, stop procrastinating, take control of their

destiny, understand themselves in order to better understand other, visualize, zero in their target and go for it

**6. Recommendation 2**

Agree with the selected recommendation

**7. Recommendation 2A**

Agree with the selected recommendation

**8. Recommendation 2B**

Agree with the selected recommendation

**9. Recommendation 2C**

Agree with the selected recommendation

**10. Recommendation 2D**

Agree with the selected recommendation

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation

**15. Recommendation 3B**

Agree with the selected recommendation

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation

**21. Recommendation 4D**

Agree with the selected recommendation

*Comment:* Children should read, study and learn about everything important in thier life, keep trying no matter how hard it seems, it will get easier.

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 97 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 24.7.132.101**Response Started:** Tue, 5/13/08 6:14:47 PM**Response Modified:** Tue, 5/13/08 7:32:10 PM**1. Please provide the following information.**

Name: - Marie Reale

Title: - Mrs.

Agency/Organization: - CASA

Address: - 3525 Rocky Ridge Way

City/Town: - El Dorado Hills

State: - CA

ZIP/Postal Code: - 95762

Country: - United States

Email Address: - marie@reale.us.com

Phone Number: - 916-933-0244

**2. Are you commenting on behalf of your organization?**

Yes

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation

**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Youth in all California counties between the ages of 16-19 should have the opportunity to participate in the Transitional Housing Placement Program (THPP) which offers apartment style placement while still in foster care. It is not right for geographical location to determine a foster youth's opportunities. As of now only 32 of the 58 counties offer this program for participants emancipate successfully by providing a safe environment for youth to practice the

skills learned in the Independent Ling Program (ILP)

**6. Recommendation 2**

Agree with the selected recommendation

**7. Recommendation 2A**

Agree with the selected recommendation

**8. Recommendation 2B**

Agree with the selected recommendation

**9. Recommendation 2C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* As a sworn officer of the court, a CASA is to participate in all court-related conferences, review and copy any relevant documents which is in the possession of any agency and as an instrument of the court relays all pertinent information on behalf of the minor to the court. I would like to advocate in the above statement to include "CASA" when defining "All parties".

**10. Recommendation 2D**

Agree with the selected recommendation

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation

**15. Recommendation 3B**

Agree with the selected recommendation

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation

**21. Recommendation 4D**

Agree with the selected recommendation

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**

current report: **Default Report**

Displaying 82 of 102 respondents

**Response Type:** Normal Response

**Collector:** Public Comment Form (Web Link)

**Custom Value:** empty

**IP Address:** 199.88.89.18

**Response Started:** Mon, 5/12/08 8:44:27 AM

**Response Modified:** Mon, 5/12/08 9:07:05 AM

**1. Please provide the following information.**

Name: - Kelly Y. Reiter

Title: - Attorney, CWLS

Agency/Organization: - Family & Children's Law Center

Address: - 30 N. San Pedro Road, Ste 245

City/Town: - San Rafael

State: - CA

ZIP/Postal Code: - 94903

Country: - USA

Email Address: - kreiter@facdc.org

Phone Number: - 415-492-9230

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

*Comment:* Case plans should reflect actual services provided for current case, not services provided to family in previous cases. Courts must inquire that services begin at time of detention not once Disposition has been taken.

**4. Recommendation 1A:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Courts must hold to specific timelines set and not allow continuances unless good cause proven on the record. Judicial Counsel work with Homeland Security to allow greater flexibility in fingerprinting of undocumented family members for placement with families.

**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

Agree with the selected recommendation

**7. Recommendation 2A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* More important then Judicial officer v. Commissioner is the amount of education to this area of law and the number of years on the bench.

**8. Recommendation 2B**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* All ICWA, relative placement and important connections inquiries shall be done prior to Jurisdiction to avoid continuances and lenghtened period of out of home placement.

**9. Recommendation 2C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* All children age 8 and over shall be at the every hearing unless they expressly state to both attorney and social worker they do not want to attend.

**10. Recommendation 2D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Loan forgiveness should apply retroactively to those already working in the field. There should be regulations on the organizations with contracts for services to ensure the attorneys doing the work are actually receiving the pay for those services.

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation



**15. Recommendation 3B**

Agree with the selected recommendation

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Must add monies for tutoring. 99% of all children entering foster care are behind in school.

**21. Recommendation 4D**

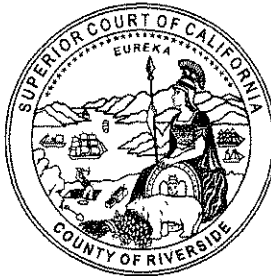
Agree with the selected recommendation

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35



**INGA E. MCELYEA**  
Court Executive Officer

**Superior Court of California**  
County of Riverside

4050 Main Street  
Riverside, CA 92501  
951-955-5534 Phone  
951-955-2394 Fax

**MEMORANDUM**

**DATE:** May 13, 2008

**TO:** Diane Nunn, Director  
Center for Families, Children & the Courts

Christopher Wu, Executive Director  
Blue Ribbon Commission on Children in Foster Care

**FROM:** Inga E. McElyea, Court Executive Officer

**RE:** Responses to the Blue Ribbon Commission Recommendations

---

Donna Burt, Juvenile Court Division Manager took the lead in reviewing and collecting staff and judicial comments on the DRAFT recommendations, including input from all county departments and county justice agencies handling juvenile matters. Following are the recommendations and the combined responses from this effort.

**Recommendation 1:**

Reasonable Efforts to Prevent Removal and Achieve Permanency

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

**Response:** Agree with the selected recommendations.

**Recommendation 1A:**

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

The Blue Ribbon Commission recommends that:

- The courts and partnering agencies tailor resources to make sure they have sufficient information and time to establish that all reasonable efforts have been made to prevent removal;
- All children and families receive timely and appropriate mental health, health care, education, and other services, whether they reside with their own parents or with relatives, foster parents, or adoptive parents or are in another setting;
- Child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members;
- The courts and partnering agencies examine why a disproportionate number of African-American and Native American children are in the child welfare system and work together to address this problem;
- The courts and local partners encourage use of adult drug and mental health courts, as well as other collaborative courts such as dependency drug courts, when appropriate to prevent removal; and
- The Judicial Council work with state and federal leaders to allow greater flexibility in the use of federal funding for preventive services.

**Response:** Agree with the selected recommendations subject to the modifications suggested:

A comment from one of our Judicial Officer's: "One of the biggest problems that must be tackled to improve outcomes for foster youth is the reform of the federal Interstate Compact on the Placement of Children (ICPC). In Riverside County, we often have relatives of dependent minors who live in Nevada or Arizona. However, under ICPC, we cannot send a dependent child out of state without the acceptance by the receiving state. Currently, there is enormous delay in getting approval from either Nevada or Arizona. For example, it is not unusual for either jurisdiction to take far more than one year to approve or deny relative placements."

**Recommendation 1B:**

If foster-care placement is necessary, children and families should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or into another permanent, stable family.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with state and federal leaders to develop greater flexibility in approving relative placements and to formulate protocols to facilitate swift home assessments and placement with family members when possible;
- The courts and child welfare agencies expedite services for families and ensure that foster children maintain a relationship with all family members and other important people in their lives;
- The courts ensure that children who cannot return home receive services and court reviews to enable them to successfully transition into a permanent home and into adulthood. This includes paying attention to each child's language, development, and cultural needs in making decisions about home and school placements, visitation, education, and mental health needs. It also

means making sure they have consistent community ties and help from supportive adults as they grow up;

- All court participants promote and continuously review efforts to preserve sibling connections and co-placement;
- Children and families receive continuous and comprehensive services if a child enters the delinquency system from foster care;
- The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction prior to a youth's 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.

**Response:** Agree with the selected recommendations subject to the modifications suggested:

If a minor remains in foster care for the duration, independent living activities should be implemented and be mandatory so the minor is able to adapt to be self-sufficient, and live independently.

**Recommendation 2:**

Because the courts are responsible for ensuring that a child's rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the local trial courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

**Response:** Agree with the selected recommendations.

**Recommendation 2A:**

The courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- Judges—not subordinate judicial officers—hear dependency and delinquency cases and that judges be assigned to juvenile court for a minimum of three years. Priority should be given to judges who are actively interested in juvenile court as an assignment;
- The Judicial Council undertake a new judicial caseload study focused specifically on juvenile dependency courts. The study should take into account the court's unique oversight and case management responsibilities and address the use of case managers to support judges in meeting their workload;
- Pending completion of the study, the courts evaluate their current allocation of judgeships and resources and make adjustments as necessary. If reallocation of existing resources is not sufficient, the Judicial Council should seek additional funding to ensure full implementation of the standards and statutory requirements; and
- The Administrative Office of the Courts help courts comply with the judicial standard outlining the knowledge, commitment, and leadership role required of judicial officers who make decisions about children in foster care. (see Standards of Judicial Administration, standard 5.40).

**Response:** Agree with the selected recommendations subject to the modifications suggested:

1. In light of budget restrictions, consideration should be given to subordinate judicial officers to hear dependency and delinquency matters, as well as judges, with a three-year minimum. In the best interest of the children and families, mandatory training should be conducted for any judicial officer sitting in juvenile court, and priority should be given to those who are actively interested in a juvenile court assignment.

2. Additional judgeships and resource are absolutely needed in order to ensure full implementation of the standards and statutory requirement.

A comment from one of our Judicial Officer's: "I do not have statistical information to cite but I guarantee you that, given our shortage of judicial officers in Riverside County, those of us that hear Juvenile Dependency matters carry far more cases per judicial officer than most of the rest of the state. Also, I cannot emphasize enough both the amount of work that is involved in a Dependency assignment and the emotional toll that a Dependency assignment takes on a judicial officer. I had previously had Criminal Law assignments as a judicial officer in crowded calendar departments. However, presiding over a large criminal calendar does not hit you with either the huge amount of reading or the emotional drain that comes with a Juvenile Dependency assignment. Last year, when I was hearing Dependency matters in another courthouse, it was not unusual for me to be in hearings until 3:30 or 4pm in the afternoon. I would then have to address all of the submitted paperwork that comes with the assignment such as ex-parte requests, motions and other pleadings. I would often then have to bring home 3 to 4 hours of reading a night so that I was prepared for the next morning. Aside from the tremendous amount of work, you are always cognizant while reading each report that each case is the life of a child and that every decision you are going to be making will have a profound impact on that child. Furthermore, the very nature of the assignment takes a huge emotional toll on the judicial officer. As a former prosecutor, I have read about every type of crime that can be done to a human being and have prosecuted all sorts of cases involving abuse, neglect and molest. However, I cannot adequately describe how much more emotionally draining it is to read about and listen to hearings about the abuse, neglect and molestation of children on a daily basis and also be the one responsible for all manner of parental decisions for thousands of dependent children".

**Recommendation 2B:**

All participants in dependency hearings, including children and families, should have an opportunity to be heard in court.

The Blue Ribbon Commission recommends that:

- All parties in each case be identified and engaged as early as possible. A particular emphasis should be placed on finding fathers and identifying Indian tribes where applicable;
- Relatives be identified as soon as possible and policies to promote relative assessment, placement, and connections be further developed and implemented; and
- Barriers that prevent children, parents, and caretakers from attending hearings be resolved. This includes addressing transportation difficulties.

**Response:** Agree with the selected recommendations subject to the modifications suggested:

A recommendation for a positive change would be to make some court hearings available during times that do not conflict with school, work, or other requirements of a family's case plan. The children who are subject to these proceedings have special emotional, social, and educational needs. Considering the children and family needs as opposed to the 'convenience of the court' would help offset the disruption that has already occurred in the children's lives.

**Recommendation 2C:**

Local court practices should facilitate the attendance of children, parents, and caregivers in hearings.

The Blue Ribbon Commission recommends that:

- Hearings be available at times that do not conflict with school or work or other requirements of a family's case plan;
- To the extent feasible, hearings be set for a specific date and time. Delays should be minimized, and hearings should be conducted on consecutive days until completed;
- A concurrent criminal proceeding not mean delay of a dependency case;
- All parties, including children, parents, and social workers, have the opportunity to review reports and meet with their attorneys before the initial hearing and in advance of all subsequent hearings;
- Hearings be timely and meet all federal and state mandated timelines. Continuances should be minimized and the reasons for systemic continuances should be addressed by the local court and child welfare agency;
- All participants leave court hearings with a clear understanding of what happened there, why decisions were made, and if appropriate, what actions they need to take;
- The AOC provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and participation of, all parties, including children, that takes into account age, development, language, and cultural issues; and
- The same judicial officer hear a case from beginning to end, when possible.

**Response:** Agree with the selected recommendations.

**Recommendation 2D:**

Fair administration and review of dependency proceedings requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have time and resources to present accurate and timely information to the courts.

The Blue Ribbon Commission recommends that:

- The Judicial Council advocate for the resources necessary to implement the council's recently adopted attorney caseload standards, as well as caseload standards for social workers;
- The Judicial Council take active steps to promote the advancement of juvenile law as a sought-after career. Accomplishing this recommendation requires:
  - Adequate compensation for court-appointed attorneys;
  - Adoption and implementation of a methodology for determining attorney effectiveness;
  - Forgiveness of student loans for attorneys who commit a substantial portion of their career to juvenile law;

- That public and nonprofit law offices hire and retain attorneys based on their interest in the field and encourage them to build careers in juvenile law; and
- Working with state bar leaders to include juvenile dependency law as a mandatory area of study for the California Bar Exam and create a state bar juvenile law section.
- The Administrative Office of the Courts expand multidisciplinary training opportunities for court professionals and other participants, including caregivers, educational representatives, CASA volunteers, tribal leaders, etc. Training should include conferences as well as distance learning opportunities;
- The Judicial Council continue to support the development and expansion of CASA programs to all California counties and help make available CASA volunteers for all foster children in the dependency system. State funding for CASA programs should be expanded to allow for appointments in all cases; and
- Local or regional family resource centers be established to ensure that the nondependency legal needs of children are appropriately addressed. This includes education, immigration, tort issues, etc.

**Response:** Agree with the selected recommendations subject to the modifications suggested: The State must devote more resources to CASA.

A comment from one of our Judicial Officer's: "The unsung heroes of the Juvenile Dependency system are CASA volunteers. CASA volunteers serve not only as the eyes of the court when it comes to dependent children but also provide the child with a continuing positive adult role model. On Saturday, April 26<sup>th</sup>, I had the privilege of presiding over the graduation ceremony and swearing-in of our county's newest class of CASA volunteers. However, this organization is strapped financially. Further, there is usually a wait list for minors to receive a CASA."

**Recommendation 2E:**

All courts should have nonadversarial programs available for children and families to use to resolve legal and social issues when appropriate.

The Blue Ribbon Commission recommends that:

- Mediation and other forms of alternative dispute resolution be available in all courts at any time in the proceedings;
- Families in all counties have access to other types of court proceedings—drug, mental health, and unified courts, for example—that can help them remain together, or if the children are removed, to stabilize and reunify the family, as soon as possible;
- Families in all counties have access to specific nonadversarial child welfare–based practices such as family group conferencing, team decision making, and family team meetings.

**Response:** Agree with the selected recommendations.

**Recommendation 2F:**

The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welfare and Institutions Code section 16545). (These draft trial court performance measures will be available for public comment during the spring 2008 cycle at the following link: [www.courtinfo.ca.gov/invitationstocomment/](http://www.courtinfo.ca.gov/invitationstocomment/)).

The Blue Ribbon Commission recommends that:

- The Judicial Council adopt and direct the AOC to work with local courts and state agencies to implement a rule of court that embodies the commission's following recommendations:
  - Court performance measures include those for safety, permanency, timeliness of court hearings, due process, and child well-being;
  - Court performance measures align with and promote the federal and California Child and Family Services Review (CFSR) outcome measures and indicators;
  - California Court Case Management System (CCMS) collect uniform court performance data and have the capability to produce management reports on performance measures;
  - Trial court performance measures be included in a separate Judicial Council–approved Administrative Office of the Courts (AOC) Implementation Guide to Juvenile Dependency Court Performance Measures.
- These performance measures and management reports be used for the following:
  - To promote court accountability for ensuring fair and timely hearings and to inform improvements in local case processing;
  - To provide stakeholders and the public an aggregate picture of the outcomes for children before the court and to increase the public's understanding of the court's role in the child welfare system; and
  - To measure compliance with statutory mandates and effective practices.
- The Judicial Council work with the Child Welfare Council (CWC) and local courts and state agencies to develop uniform child well-being performance measures. Based on these measures, the Center for Families, Children & the Courts should work with local courts to develop and implement educational tools that help courts improve child well-being outcomes.

**Response:** Agree with the selected recommendations.

**Recommendation 3:**

Because the courts share responsibility with child welfare and other partners for the well being of children in foster care, the courts, child welfare, and partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep agencies from working together effectively.

Response: Agree with the selected recommendations.

**Recommendation 3A:**

The Judicial Council and the state Department of Social Services should work cooperatively with all stakeholders to ensure optimal sharing of information to promote decision-making that supports the well being of children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- The Judicial Council continue its efforts to fully develop and implement the California Court Case Management System (CCMS) so that the judicial branch and the California Department of Social Services and other trusted partners will be able to exchange essential information about the children and families they are mandated to serve;
- CCMS permit judicial officers in dependency courts to access information about children and families who are involved in cases in other courts;



- CCMS and the Child Welfare System/Case Management System (CWS/CMS) promote coordinated data collection and data exchange between the courts and child welfare agencies and track data that permits them to measure their performance;
- The Child Welfare Council prioritize solutions to federal and state statutory and regulatory policy barriers that prevent information sharing between the courts and its partners and that cause delays in the delivery of services and, hence, delays in permanency for children; and
- Data systems in the various agencies evolve to capture the growing complexity of California demographics, including issues such as Limited English Proficiency (LEP), use of psychotropic medications, and disabilities.

**Response:** Agree with the selected recommendations.

**Recommendation 3B:**

The presiding judge of the juvenile court and the county social or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns and build the capacity to provide a continuum of services.

The Blue Ribbon Commission recommends that:

- These multidisciplinary local commissions include participation from the courts, public and private agencies that support children and families, children, parents and families in the system, caregivers, and other parties to the process;
- These commissions focus on key areas of local concern and activities, including:
  - Undertaking a comprehensive assessment of existing services available in the community; encouraging development of appropriate services that are not available; coordinating services with tribal services and transitional services; and ensuring that children and families receive the support they need for reunification and permanency;
  - Identifying and resolving barriers to sharing information between the courts, agencies and schools;
  - Communicating local needs and concerns to the Child Welfare Council; and
  - Raising the visibility and public understanding of foster-care issues in their communities.
- The AOC support local commissions in their efforts to collaborate and to avoid duplication with other efforts to achieve positive child welfare outcomes (including county efforts to develop system improvement plans as required by state law); and
- All participating agencies prioritize children in foster care, and their families, when providing services.

**Response:** Agree with the selected recommendations.

**Recommendation 3C:**

Courts, child welfare, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families and tribes are protected and that children and families have access to all appropriate services for which they are eligible.

The Blue Ribbon Commission recommends that:

- The AOC work with local courts to establish protocols for identifying and sharing jurisdiction between local and tribal courts and for sharing services, case management, and data between superior courts, tribal courts, and county and tribal service agencies; and
- The AOC offer judicial education opportunities to tribal court officers and legal education to tribal attorneys and service providers.

**Response:** Agree with the selected recommendations.

**Recommendation 4:**

In order to meet the needs of children and families in the foster-care system, the Judicial Council, Congress, the Legislature, the courts and partnering agencies should give priority to foster children and their families in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children's issues.

**Response:** Agree with the selected recommendations subject to the modifications or comments suggested:

A comment from one of our Judicial Officer's: "This is a constant problem faced by Juvenile Dependency courts. A good example is when a foster child wishes to take part in extra curricular activities or "needs" braces that the dentist has not listed as medically necessary.

**Recommendation 4A:**

The Judicial Council should urge Congress, the state Legislature, and state and local agencies—including agencies that provide health, mental health, education, and substance abuse services—to prioritize the delivery and availability of services to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- These agencies and the courts document and report annually on the number of foster children and families served and the types of services provided; and
- Congress and the state Legislature fund dissemination of evidence-based or promising practices that lead to improved outcomes for foster children and their parents. Examples include therapeutic foster care and drug courts.

**Response:** Agree with the selected recommendations.

**Recommendation 4B:**

No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to these children and families should be addressed through coordinated and more flexible funding.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with other branches of federal, state, and local governments to identify barriers to funding for services and to develop solutions; and
- To the extent that federal law prevents federal funds from being coordinated among several agencies to support specific services, the Judicial Council should urge Congress to eliminate that policy.

**Response:** Agree with the selected recommendations.

**Recommendation 4C:**

The Judicial Council, along with other branches of federal, state, and local courts, government, businesses, foundations, and community service organizations, should work together to establish a fund to provide foster youth the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

The Blue Ribbon Commission recommends that:

- Children in foster care and partnering agencies have access to reliable funding to support their access to extracurricular activities and transitional programs. These activities should include music and dance lessons, sports, school events, and independent living activities; and
- Systemic barriers that prevent foster children from participating in the above events be eliminated, including transportation, licensing restrictions, and confusion regarding waivers and consents.

**Response:** Agree with the selected recommendations.

**Recommendation 4D:**

Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.

The Blue Ribbon Commission recommends that:

- Courts and partnering agencies ensure that foster children receive the full education they are entitled to, including the support they need to graduate from high school. This includes tutoring and participation in extracurricular activities. The courts should require other agencies to justify any denial of such services to foster youth in school;
- The Judicial Council urge Congress and the state Legislature to strengthen current education laws to explicitly include all foster children and to fill funding gaps, such as the lack of support for transportation to maintain school stability;
- The Child Welfare Council prioritize foster children's educational rights and work with educators to establish categorical program monitoring to oversee compliance with education laws and regulations that support foster youth in school;
- The California Department of Education designate foster youth as "at-risk" students to recognize that foster care creates challenges and obstacles to a child's education that other children do not experience and to increase the access of foster youth to local education programs; and
- Foster Youth Services grants be expanded to include all children age five or older, including those in kinship placements, because close to half of foster children are placed with kin and Foster Youth Services is not currently funded to serve those children.

**Response:** Agree with the selected recommendations.

**Recommendation 4E:**

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child's developmental needs and relationship with his or her parents, guardian,

and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care.

The Blue Ribbon Commission recommends that:

- The Judicial Council urges Congress to adopt the following federal financing reform recommendations advocated in 2004 by the Pew Commission on Children in Foster Care, a national panel of experts that issued proposals around financing child welfare and court reforms:
  - Creation of an incentive model for permanency. Based on the adoption incentive, this model would encompass all forms of permanency, including reunification and guardianship, and would offer equal payment levels;
  - Federal adoption assistance for all children adopted from foster care; Federal guardianship assistance for all children who leave foster care to live with a permanent, legal guardian;
  - Elimination of the income limit for eligibility for federal foster-care funding; Flexibility for states and counties to use federal funds to serve children from Indian tribes and children living within U.S. territories;
  - Extension of federal title IV-E funding to children in Indian tribes and the U.S. territories;
  - If the incidence of foster care is safely reduced, reinvestment of federal and state dollars that would have been spent on foster care into other child welfare services;
  - Reinvestment of penalties levied in the federal Child and Family Services Review process into program improvement activities; and
  - Bonuses when the state demonstrates improved worker competence and lighter caseloads.

**Response:** Agree with the selected recommendations subject to the modifications or comments suggested:

A comment from one of our Judicial Officer's: "This is a much-needed change. Often, relatives or foster parents who otherwise would happily consider adoption or legal guardianship over the minor will instead want to keep the child in a foster relationship because of the added reimbursement levels they receive. However, it would be wrong to give a financial incentive to legal guardianship that is equal or greater than adoption. I see far too many legal guardianships (both Probate and Juvenile Dependency) blow up once minors reach their teen-age years."

**Lafrenz, Megan**

---

**From:** PHRobb@aol.com  
**Posted At:** Thursday, April 10, 2008 4:05 PM  
**Conversation:** LIBRARY CARDS FOR ALL FOSTER CHILDREN -- W. & I. code 827 prevents this  
**Posted To:** CBRC  
**Subject:** LIBRARY CARDS FOR ALL FOSTER CHILDREN -- W. & I. code 827 prevents this

County libraries in Los Angeles, Riverside, San Bernardino and San Diego Counties for several years have issued library cards to foster children, if foster parents and relative caregivers appear in person at the library with verification that they are foster parents. These special cards waive late fines and the cost of lost or damaged books, to encourage caregivers to apply for the cards. Unfortunately, only a very small percentage of eligible foster children actually receive such special cards, because most of their caregivers simply do not take the initiative to apply for the cards.

Educational services for foster youth should include the automatic issuance of a public library card, at the time each child comes under the jurisdiction of the juvenile dependency court. This can be accomplished by county children's services e-mailing identifying information about the foster child to the local or county library, which then issues the library card and mails it to the child. Or alternatively, the library provides blank library cards to children's services, which issues the card and gives or mails it to the child, and then e-mails the child's identifying information and card number to the library.

In order to make this happen, the confidentiality restriction of Welfare and Institutions Code section 827 has to be changed by legislation to permit this exchange of information, or alternatively the presiding judge of each county's juvenile court needs to issue a standing order, directing children's services and the public library to exchange information for the automatic issuance of the library card to all foster children. Then, W & I Code section 827 would no longer prevent every foster child from having his or her own library card, to stimulate curiosity, knowledge, reading and study skills.

Or you may be aware of other ways to make this happen.

Philip H. Robb, MSW, JD

Retired Attorney/Social Worker

22641 Lark Street, Grand Terrace, CA 92313-5713

(909) 783-2404

---

Planning your summer road trip? Check out [AOL Travel Guides](#).

5/2/2008

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 11 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 76.242.24.2**Response Started:** Wed, 3/19/08 10:16:59 AM**Response Modified:** Wed, 3/19/08 10:33:53 AM**1. Please provide the following information.**

Name: - Vicky Ruano

Title: - Foster Mom

Agency/Organization: - foster parent

Address: - 15911 Via Del Sol

City/Town: - San Lorenzo

State: - CA

ZIP/Postal Code: - 94580

Country: - USA

Email Address: - vicruano@sbcglobal.net

Phone Number: - 510-706-4559

**2. Are you commenting on behalf of your organization?**

Yes

**3. Recommendation 1:**

No Response

**4. Recommendation 1A:**

No Response

**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* I am a foster parent to a child whos medi-cal is through San francisco county. We reside in Alameda county and therefore we are not able to get the mental health service that we are trying so hard to get as he is in desperatte need and has been so for a very long time. We have tried with both counties and neither are cooperating. I ifa for him would be so much easier if the mental health services he needs so badly were actually available. More

people might be willing to take in foster kids and even adopt if we could actually get the help for the kids that they needed.

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35





**Superior Court of California  
County of San Bernardino**

**Tressa S. Kentner**  
Court Executive Officer

303 West Third Street, Fourth Floor  
San Bernardino, CA 92415-0302

(909) 382-3531  
Fax: (909) 382-7680

May 13, 2008

Christopher Wu, Executive Director  
of the Blue Ribbon Commission on Children in Foster Care  
Diane Nunn, Director  
Center for Families, Children and the Courts  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

RE: California Blue Ribbon Commission on Children in Foster Care

Dear Mr. Wu and Ms. Nunn:

The Superior Court of California, County of San Bernardino would like to thank Chief Justice Ronald M. George for creating the commission to examine the system that handles the cases of one of our most vulnerable populations, dependent children. The commission has given consideration of the myriad of issues surrounding the foster care system. We appreciate the opportunity to comment on the committee recommendations. We have included comments from the San Bernardino County Department of Behavioral Health and Department of Children Services.

We need to stress the need for resources to implement the recommendations. Without resources full implementation of the recommendations will be impossible. Trained, committed Judicial Officers and support staff are a critical need for many courts. Even with adequate funding, trained professionals, such as attorneys and mental health professionals are in limited supply.

We fully support the recommendation to maintain foster care funding for children between the ages of 18-21; financial support is vital. However, these young people need support networks beyond financial support.

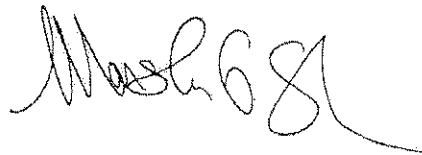
Although this report focuses on foster care, we would like to comment on a related issue, guardianship actions. The guardianship process for children who are not in the dependency system should be made be stronger so that potential guardians can more easily use the system. If relatives are able to more easily use the system, they may be more willing to step in and help. Children, then, may avoid entering the juvenile dependency system entirely.

Again, we appreciate the opportunity to comment on the recommendations.

Sincerely,

A handwritten signature in cursive script, reading "Tressa S. Kentner".

TRESSA S. KENTNER  
Court Executive Officer

A handwritten signature in cursive script, reading "Marsha Slough".

MARSHA SLOUGH  
Juvenile Court Presiding Judge

TSK/slz

To: The Honorable Justice Moreno, Chair  
The California Blue Ribbon Commission on Children in Foster Care

From: Judge Patrick Tondreau, Presiding Judge of Juvenile Court  
Judge Katherine Lucero, Supervising Judge of Dependency Court  
Santa Clara County Superior Court

Date: May 6, 2008

Re: Public Comment Period Response

Placement of the child outside the home was the primary reason for the creation of the Child Welfare Agency system. The government took the place of the many private run, well meaning agencies run by good Samaritans before it formalized its involvement in the early 20<sup>th</sup> Century. Federal Legislation institutionalized Child Welfare with CAPTA in 1974.

However, out of home placement is not the silver bullet that we may have led ourselves to believe. In fact, too many children do not experience any of the three goals of the Child Welfare Laws: Safety, Permanency or Well –being. Foster care drift, legal orphans, inferior literacy rates and the separation of sibling groups have been four of the serious consequences of our “good intentions” and in fact caused well meaning systems to have done more harm than good in many cases.

It is time to rethink the Child Welfare system if we are to have any shot at making the changes that are so obviously needed. Status quo is unacceptable. Some counties are performing better than others. Some counties are lucky to have innovative programs and leadership; however, this is not the rule, so infrastructure must be redeveloped if we truly care about families and children at all.

So long as States can only use 10% of their Federal funding on prevention and reunification services, the bias will be toward removal. That is why an entire paradigm shift must occur to allow use of Federal funding for prevention and the reunification of families. As long as this bias toward removal is in place, these laws will also continue to disproportionately impact communities of color. Too many intractable institutional barriers exist in our communities that keep the status quo of overrepresentation of children of color in the child welfare system, silently in place. Access to Health care, housing, mental health, transportation and quality education are a few of the barriers that keep the child welfare population from changing their own circumstance. People do not want to live in the circumstances that they find themselves which leads to the entry into the child welfare system, and they have no way out without collaborative interventions such as those found in our Problem Solving Courts.

## **Removal and Services**

Pre-removal services to families should include an extensive array of on demand drug and alcohol treatment. In Santa Clara County the “House on the Hill” women and children treatment program has an 80% success rate. Women should not have to be pulled into an oppressive court system to receive this type of intervention.

Mental Health Services are difficult to access for women and children. Calling 911 has become the new call for help for all sorts of social ailments. If a mother needs mental health care and she is afraid of hurting her children there is only one solution- CPS. Typically, the kids are removed for her to seek help. Unfortunately the clock starts ticking and women who call for help, often end up with their parental rights terminated.

Dependency Court should not be a catch all for society’s problems that they have failed to solve. The cost to the child and to the adult is too high. It is like trying to place a nail with a sledgehammer.

Pre-removal involvement of the Father and paternal side of the family is a huge gap. A due diligence search for both should be required prior to Jurisdiction.

The Judicial Council should work with legislators to expand the 48 hour window for the Detention hearing to 72 hours, in order to make sure that each family has a Family Team Meeting prior to the detention of the child. This is currently being done in Washington, D.C.. This will give the social worker more time for social work and less pressure to handle the legal petitions and court filings. The social workers do their own petitions and are meticulous at meeting their legal timelines. They need relief to do social work.

## **Court Reforms**

Attendance of children at hearings is positive, however, court facilities must be child and family centered. Having young children wait for hours in an overcrowded waiting room crafted for adults is harmful to that child’s emotional and mental well-being. In some cases actual physical safety is jeopardized. Furthermore, commingling this population with other adult criminal populations is not safe. Separate bathrooms must also be available. More money must be made available for security if kids are to be in court.

Court Measures of timeliness are key, however these measures should also capture information on race and gender at each decision making point for each judicial officer.

The Judicial case load needs to be analyzed with collaborative justice models in mind. Specialty courts require multiple hearings, unlike other models. The number of hearings should be factored into this measurement. Judicial hours spent building collaborative,

systems change and model court implementation, as well as community outreach and education should also be factored into the Judicial workload.

Judicial resources are an obvious problem. We need more judges to handle these important cases in order to give the hearings the appropriate amount of time. Judges often want to “try” a juvenile assignment, but have no desire to make a long term commitment. Even worse, some judges don’t want to go to Juvenile at all and leave as soon as they can. Moreover, the Presiding Judge of each court needs to provide strong leadership and give their court the appropriate number of judges to their Dependency and Delinquency divisions even when to do so may be unpopular. Each judge that is assigned to Dependency and Delinquency should be kept there for three to five years on staggered terms to preserve leadership from the bench.

The lack of judicial commitment to this area of the court creates a serious leadership gap. The only thing that appears to allow a Dependency Court to evolve as a model that creates justice is judicial leadership. There are so many key stakeholders that to have a gap in Judicial leadership actually causes the ship to become unbalanced and leads to poor outcomes for families and children. In order to predict follow through, reform, consistency and a reverence for the law itself, the judge must be the center of that system. Change over in judges in Dependency and Delinquency court is not community centered.

In some states, judges are elected or appointed to the Juvenile and Family Court. This allows for the recruitment and retention of potential judges that actually want to specialize in this field. Many attorneys who practice Family and Juvenile law do not apply or run for judge because their background and professional profiles are not the usual ones of those that get appointed or elected. Making the bench a specialized bench would help to attract the dedicated bench officers that are needed to make long term commitments and would promote stability with the stakeholders and the families. I am not necessarily advocating for this in California, however, one can see the value of the specialized bench when it comes to providing consistency for the community.

Relatives should be identified as soon as possible; however, once the petition has been filed, relative care placement becomes sometimes insurmountable due to strict foster care licensing standards. These barriers must be eliminated for family and non relative extended family members. These licensing issues show up around space, number of beds in the home, background checks and prior CPS involvement. Identifying the relative is not enough. Removing the barriers to placement is what is needed.

Court Orders should be issued in other languages. At this time the parent leaves with the Court with their case plan in English. The issue with this communication gap is obvious, especially when the Child Welfare agency is unable to assign a case worker that speaks the parent’s language. The stress of court causes the parent to leave bewildered. It is not helpful to then have the case plan and court orders in a language that the parent does not understand. Literacy issues also cause a communication gap. Those who are illiterate in both their native language and English creates an almost insurmountable hardship to the system and, sadly, there is a lack of systemic strategies to address this problem.

Court measurements should include the ability to capture the underlying issues that have come before the court, i.e., substance abuse and domestic violence, in order to design programming around the needs of the community and to train and equip the judicial officers accordingly on the most significant issues that it must handle day to day.

### **Collaboration between Courts and Partnering Agencies**

Child Welfare cases are about drugs, alcohol and family violence. National, State and local data show that anywhere from 60% to 80% of our cases involve drugs and alcohol. Substance Abuse is a chronically relapsing mental health issue that is currently being handled pursuant to very strict timelines with very few resources. Essentially the addict who is generally the Mother, must stop using drugs and get her life together within six months in order to avoid the loss of her child under the age of three. The substance abuse recovery model and the statutory timelines are incongruent. And the child over the age of three that loses their mother and father forever rarely does well in our system and commonly penetrates further into other court systems.

In some jurisdictions, the waiting list to get into treatment is three to four months. If the Dependency Court is not collaborating with the Department of Drugs and Alcohol to get services to the parent more timely, the parent will not have a fair opportunity at gaining custody of their child. Each County Mental Health and Drug and Alcohol Department must be a key leader in the reform of the Child Welfare/Court system.

Our courts are full of people of color and poor people. It seems that since we know that people of color do not abuse or neglect their children or abuse drugs at a higher rate than other populations that the issue lies in the access to drug and alcohol treatment prior to entering the child welfare system. Once the family enters the system, the timelines are triggered and the chances at success are slim unless there is an effort by the agencies to collaborate.

Dependency Drug Courts work. Dependency Drug Courts require collaboration, time, attention to the family and a prioritization by each county to serve this marginalized population. Child Welfare court involved families should have priority on the waiting lists for drug treatment and mental health services. Federal dollars should be used for drug treatment and mental health services. Each county should be rewarded for the reduction of subsequent positive toxicology births of the parents that they have served to stem the tide of the multiple drug addicted babies being born to the same mother even though she has been known to the system for years. Status quo is not working.

76% of the parents in Dependency Drug Court in Santa Clara County are reunified with their children. That compared to 44% in the non dependency drug court population. Only 6% of the Dependency Drug Court mothers have a second drug addicted baby as compared to 33% in the non dependency drug court population! After a five year independent national study of the Dependency Drug Court, we know what works.

Collaboration works. It heals people. People emerge useful citizens and loving parents. It is because of the time and resources concentrated in collaborative courts that these families rarely return to us. Dollars are saved at the back end if spent on the front end.

APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON  
STATE, FOREIGN OPERATIONS, AND RELATED  
PROGRAMS  
SUBCOMMITTEE ON  
COMMERCE, JUSTICE, SCIENCE AND RELATED  
AGENCIES  
SUBCOMMITTEE ON FINANCIAL SERVICES  
JUDICIARY COMMITTEE  
SUBCOMMITTEE ON COURTS, THE INTERNET  
AND INTELLECTUAL PROPERTY  
SELECT INTELLIGENCE OVERSIGHT PANEL  
DEMOCRATIC STUDY GROUP  
ON NATIONAL SECURITY  
CO-FOUNDER AND CO-CHAIR

SENIOR WHIP



**ADAM B. SCHIFF**  
29TH DISTRICT, CALIFORNIA

WASHINGTON OFFICE:  
☐ 326 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4176  
FAX: (202) 225-5828

DISTRICT OFFICE:  
☐ 87 NORTH RAYMOND AVENUE  
SUITE 800  
PASADENA, CA 91103  
(626) 304-2727  
FAX: (626) 304-0572

E-MAIL VIA WEB ADDRESS AT:  
[www.house.gov/schiff](http://www.house.gov/schiff)

May 13, 2008

California Blue Ribbon Commission on Children in Foster Care  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Friends:

Let me begin by commending the Blue Ribbon Commission on its work. The draft report is an impressive compilation of ideas and recommendations for ways in which California's foster care system can be improved. I want to lend my voice to the chorus calling for reform of the foster care system to provide better outcomes for children.

It is a fundamental right of every child to have a safe and permanent home. Every year, in California alone, 5000 children "age out" of foster care, and far too many of them have never known the security of a permanent and loving family. That these children are so disproportionately at risk for homelessness, mental illness, substance abuse, and incarceration should hardly come as a surprise. We owe them much better, and it is through the work and advocacy of the members of the Blue Ribbon commission, as well as the millions working in dependency courts, in foster homes, or acting as foster families nationwide, that we will do better for them. These children are truly the most vulnerable group in our society – most vulnerable to neglect, to abuse, to exploitation, to deprivation – we should have a system in place which works at every turn to give them every chance at a productive and happy life. That the Blue Ribbon Commission approached this issue from the fundamental recognition that every child is equal and equally deserving of a stable upbringing is absolutely correct and I want to commend them for their work.

To highlight one area of the report, the recommendations for court reforms are particularly welcome. Dependency courts are daunting places for children and families, and it is absolutely crucial that they have the benefit of qualified and compassionate counsel and a fair hearing from a judge with experience in these issues. The challenge of attracting qualified professionals to work in this field, and to manage their caseloads once they have entered the field, is a very significant one. Acting as an advocate for children and families in the dependency court system requires real expertise of the sort that can't be learned overnight. The situation is the same for judges. One of the Commission's recommendations, a program to forgive the student debt of attorneys who commit to



work in juvenile law, is similar to legislation I have proposed in Congress. I believe this is an area where the State and the Federal government can work in tandem. I also believe that proposals to improve accountability and outcome tracking data are sorely needed. We should work to develop data-driven policies based on what works.

I would also highlight the reports comments on Resources and Funding. As the draft observes, funding for foster care programs is reliant on a multitude of state and federal programs, and children sometimes suffer needlessly because of the complexity and duplications inherent in the multiple funding streams. On the federal level, I support efforts to streamline the funding system so that states and localities can access them quicker, to the benefit of children. The problems are often compounded in cases where a child changes states or jurisdictions. We should allow states and localities to use funds in a more flexible manner, while ensuring they are going towards their intended purpose of helping foster children and families.

Finally, I share the commission's concern for doing more on behalf of children who "age out" of the foster care system. Though they may be 18 and legally emancipated, in many cases these young people are not remotely prepared to thrive on their own, without the benefit of parental supervision or help. I support proposals to smooth the transition out of foster care.

I look forward to the Commission's final work product, and to working with them to identify areas in which the federal government can play a constructive role in improving outcomes for children in foster care. I stand ready to act as a resource and advocate in Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam B. Schiff". The signature is fluid and cursive, with a large initial "A" and a stylized "S".

Adam B. Schiff  
Member of Congress

## Lafrenz, Megan

---

**From:** schlafly@gmail.com on behalf of Roger Schlafly [roger@schlafly.net]  
**Posted At:** Monday, March 24, 2008 9:49 PM  
**Conversation:** Blue Ribbon Commission  
**Posted To:** CBRC  
  
**Subject:** Blue Ribbon Commission

This is a comment on:  
Draft Recommendations of the  
California Blue Ribbon Commission on Children in Foster Care  
<http://www.courtinfo.ca.gov/jc/tflists/bluerib-rec.htm>

I fear that the reform proposals will be read as just lobbying for more tax money. A lot of reforms would not need money at all.

I have seen kids taken away from good parents, based on flimsy accusations. Even if the accusations were true, removing the kids caused more problems than the original complaint (even if it were true). I conclude from this that the court personnel and social workers have way too much time on their hands already. They should reject cases unless there is, at a minimum:

1. a serious allegation that meets the statutory definitions of abuse or neglect.
2. demonstrable proof of that allegation, such as what would hold up in an actual criminal trial.
3. some evidence that a court-ordered remedy will makes things better, not worse.

There seems to be a bias that favors intervention. I think that we need some reforms that deter intervention, and make it harder to take kids away from parents.

Roger Schlafly  
Scotts Valley CA  
+1-831-335-2175

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 68 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 165.24.251.160**Response Started:** Thu, 5/8/08 1:11:35 PM**Response Modified:** Thu, 5/8/08 2:51:54 PM**1. Please provide the following information.**

Name: - Leslie Scott

Title: - Guidance Counselor

Agency/Organization: - San Diego Unified School District

Address: - 4840 Clairemont Mesa Blvd. #8

City/Town: - San Diego

State: - CA

ZIP/Postal Code: - 92117

Country: - USA

Email Address: - ladyelle2@hotmail.com

Phone Number: - 858-278-0850

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Do not agree with selected recommendation

**4. Recommendation 1A:**

*Comment:* In the case of African Americans and possibly Native Americans in numerous cases there are conflicts between foster parents and the social workers/child care workers. There is a great amount of disrespect that adversely affects foster children of these ethnicities. Social workers who don't have the same respect for these two races violate the foster family especially a African American foster families, who genuinely care for their foster children. Some of the practices are unethical and against policy yet the violations are not acknowledged by the powers that be. How can a African American child achieve permanency when the relationship is predicated on the relationship or lack of relationship with the social worker. It would best serve us all if there were a system to monitor the unethical practices of social worker/ child careworkers as is the foster parent.

**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Children are removed from their homes because there is drug abuse or because of sexual abuse. In some cases the foster care system places them in the same situations they were removed from. And prescribe drugs to keep control of the child once they have been removed. Another area to be monitored. Is this for sake of funding or is it necessary to drug the child to control behavior.

**6. Recommendation 2**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* My foster child who I planned from the beginning to adopt, was removed from my home as a retaliation for my reporting the agency for violating the child's education and personal rights. What about mandated reporting rights, and retaliation for exercising the mandated reporter rights.

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Especially African American and Native American families "have access to specific nonadversarial child welfare practices."

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* This is one of the most important aspects of health, emotional, and behavior development. Children expand their thinking when they are among individuals that are not apart of the system they are governed by ie. the foster care system. They have the opportunity to become more civic minded.

**21. Recommendation 4D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* That it becomes mandated for foster parents to become involved in foster childrens care. And to get training on what actively participaing in a foster childs educational career looks like.

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35



## Superior Court of California

COUNTY OF ALAMEDA

CHAMBERS OF  
PAUL D. SEEMAN  
COMMISSIONER

JUVENILE JUSTICE CENTER  
2500 FAIRMONT DRIVE, SUITE C3013  
SAN LEANDRO, CALIFORNIA 94578  
PHONE (510) 618-1104  
FAX (510) 267-5707

April 24, 2008

Christopher Wu  
Executive Director  
California Blue Ribbon Commission on Children In Foster Care  
Administrative Office of the Courts  
455 Golden Gate Ave.  
San Francisco, CA 94102-3688

Dear Chris,

Thank you for the invitation to comment on the draft recommendations of the Blue Ribbon Commission. I do have two comments:

**Recommendation 2A: "Judges – not subordinate judicial officers – hear dependency and delinquency cases..."**

This recommendation is misleading and counter-productive. The expressed theory is that "dependency court is viewed as a 'lesser' court *because* judges are not always assigned to these cases." (Draft Recommendations @ p. 9, emphasis added) In fact, it is the opposite: subordinate judicial officers are assigned to dependency *because* dependency is considered a lesser practice -- for many structural reasons unrelated to who hears them from the bench, including both deeply imbedded stereotypes about the nature of the work, and the lower pay and lesser status of the attorneys in dependency practice. Conversion of existing juvenile SJO positions to judge positions in the short term doesn't address these issues, but rather, results in the loss of talented and experienced juvenile bench officers (as it already has in, for example, San Francisco, where a commissioner with over 20 years of juvenile experience was recently moved out of juvenile court and replaced by a judge with no juvenile experience). To produce a net increase over time in the status and then the quality of the juvenile bench, the recommendation of conversion must be accompanied by significant changes in current judicial appointment practices, which undervalue juvenile experience by favoring higher profile and more lucrative legal careers. "Valuing" juvenile court work simply by identifying it as judge's work, without practical accompanying measures to ensure a value for juvenile experience in the judicial selection process (much like the recent campaign for diversity) is just a "term-limit" measure for the juvenile bench, as new appointees with little interest in a juvenile bench

career will continue to rotate through the assignment on the path to their desired careers in civil or criminal courts.

To be effective in its stated goal, this recommendation should clarify that the vital role of SJO's in our current system results from the fact that, unlike judges, they may be hired specifically for their experience and expertise in juvenile jurisprudence, and may remain indefinitely in one assignment. The conversion of juvenile courts to "judge's work" is an empty promise unless it is accompanied by a similar re-valuing of juvenile court expertise in the judicial appointment process.

**Recommendation 2D: "the Judicial Council take active steps to promote the advancement of juvenile law as a sought-after career."**

A major reason that juvenile law is not a "sought-after" career is located in the structure of dependency representation. In our legal system, based on principles of separation of powers and the traditional adversarial decision-making process, representation by appointment has historically been by independent advocates employed by agencies of the executive branch: Public Defender, District Attorney, County Counsel. These agencies were exempted out from state trial court funding in the 1990's, but dependency representation was not. As a result, parties in dependency actions in California are, uniquely, represented by contractors employed by the judicial branch, a model much closer to the administrative law models of European legal systems. As a result, attorneys representing children and parents in dependency actions for the most part do not have government civil service jobs with benefits and pensions, like their colleagues in Public Defender, District Attorney, and County Counsel offices. Instead, they are employees (or independent contractors) of "service providers," the low-bid winners of RFP contracts, subject to such indignities as "outcome measurement," and with the resulting disparity in compensation and benefits to which this draft recommendation refers.

The five recommendation for promoting the advancement of juvenile law as a sought-after career, while important, will have little practical impact unless the Blue Ribbon Commission also recommends that the Judicial Council and the Legislature address the structural status differential imbedded in the current system of representation. Juvenile court work will never enjoy equal status with other practice areas unless and until the career opportunities in job security, compensation, and benefits, are equal to other civil service executive branch attorneys.

Yours truly,



Paul D. Seeman

PDS:vs

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 85 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 24.5.25.17**Response Started:** Mon, 5/12/08 11:21:12 AM**Response Modified:** Mon, 5/12/08 11:55:43 AM**1. Please provide the following information.**

Name: - Janet G. Sherwood

Title: - Attorney at Law

Agency/Organization: - Law Offices of Janet G. Sherwood

Address: - 5643 Paradise Dr. Suite 12

City/Town: - Corte Madera

State: - CA

ZIP/Postal Code: - 94925

Country: - USA

Email Address: - jgsherwood@mac.com

Phone Number: - 415-924-0585

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation

**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

Agree with the selected recommendation



**7. Recommendation 2A**

Agree with the selected recommendation

**8. Recommendation 2B**

Agree with the selected recommendation

**9. Recommendation 2C**

Agree with the selected recommendation

**10. Recommendation 2D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* As commissioner and Associate Justice Richard Huffman of the Court of Appeal, 4th Appellate District, aptly noted: Much of what is occurring in our dependency courts would be considered "malpractice in any other area of the law." There must be a system for assuring attorney competence. Many juvenile courts do not feel that enforcing attorney competence is their job because the state is paying the bill. The AOC apparently believes that it is the local juvenile court's responsibility to enforce attorney competence. Because of this disconnect, nobody takes responsibility for making sure that attorneys who are appointed for parents and children are actually doing their jobs competently. Better compensation and training and reduced case loads will solve some of this problem but there are still too many attorneys who are routinely appointed to represent children and parents who are "potted plants." In the case of children, there are too many attorneys who have never met their clients and have no first-hand information about the child, the child's needs, the child's wishes, or the child's circumstances. "Best interests" advocacy too often results in conflicts of interests between the attorney and the child-client and a complete lack of advocacy for the child as an individual. In the case of attorneys appointed to represent parents, in some counties, attorneys who have been repeatedly found to have rendered ineffective assistance in the past are still routinely appointed in dependency cases. Ineffective representation compromises the rights of children and parents and the ability of the juvenile court to make appropriate decisions for each child and family and with all of the necessary information. The lodestar in most counties for appointment of counsel in dependency cases is who will do it for the least amount of money. This is not an acceptable standard for determining who should be appointed to represent children and parents in dependency cases. Effective representation produces better outcomes in the long run. Any "methodology" for determining attorney effectiveness must include concrete mechanisms that require the juvenile court to be responsible for assuring that each party is represented by competent counsel.

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation

**15. Recommendation 3B**

Agree with the selected recommendation

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation

**21. Recommendation 4D**

Agree with the selected recommendation

**22. Recommendation 4E**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Incentives should be for timely permanency, including reunification. The lack of timeliness in providing reunification services, in concurrent planning, in searching for relatives, in notifying tribes, and in holding disposition and review hearings in a timely manner adversely impacts children, sometimes for the rest of their lives. Incentives should be for doing it right the first time and doing it timely manner.

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 19 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 76.209.131.246**Response Started:** Mon, 3/24/08 5:02:51 PM**Response Modified:** Mon, 3/24/08 6:43:34 PM**1. Please provide the following information.**

Name: - Sergio Silva

Title: - Interpreter

Agency/Organization: - Public

Address: - 150 North Madeira Ave. #A

City/Town: - Salinas

State: - CA

ZIP/Postal Code: - 93905

Country: - USA

Email Address: - santi67@sbcglobal.net

Phone Number: - 831 239 0995

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* in accordance with Public Law xxxxx. Parents will be given a 20 page copy of their rights. Open adoptions are open to modification. Parents will be given a copy of any and all violations of law for which their children may be taken away. Nature, cause and jurisdiction will be stated in court. Statistical data will be published in the California government website. Accusations will not be enough to remove children from their parents. Parents will be given 35 months to try to recover their children.

**4. Recommendation 1A:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* When agency care is no better than the parent care, the child is immediately returned to the parent. Kinship agencies will receive funding to work with parents for an appropriate amount of time before children are removed from parents.

**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* At age 12, the children from their parents will be asked if they would like visitation with their parents. Children will be allowed to correspond with their parents if they wish. Appropriate gifts will be allowed if the child is wishes.

**6. Recommendation 2**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* When such efforts prove no more fruitful than that of the parent, then the child is to be returned to the parent. Court reviews will be allowed by a 11 member panel in each city.

**7. Recommendation 2A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* An 11 member panel will review a randomly selected judge's performance and other judges as necessary.

**8. Recommendation 2B**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Fathers and mothers will have equal access to services. A two page copy of services available will be given to each parent. Any and all complaints will be given in writing and the parents will be allowed time to rebut arguments.

**9. Recommendation 2C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Parents will have at least three 30 minute meeting with their lawyer(s) per year at the lawyer's office or designated meeting place for private conferences. The lawyer provides a written explanation of the proceedings. Awards of custody data will be published. Parents will be notified of faith-based services for their child.

**10. Recommendation 2D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Parents will be informed of BAR and non-BAR lawyers available. Parents will be allowed to choose a psychiatrist to conduct their psychological evaluation.

**11. Recommendation 2E**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Mediation agreements will have three blank lines parent comments. Mediators will not be allowed to say that if a parent does not sign the adoption paper, they will not be allowed to see their child. Families will be provided confidential mediation services free or at reduced rates.

**12. Recommendation 2F**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Guidelines and measures are available for public viewing at \_\_\_\_\_.

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35



survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 45 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 68.54.123.223**Response Started:** Tue, 4/22/08 3:31:03 PM**Response Modified:** Tue, 4/22/08 9:25:19 PM**1. Please provide the following information.**

Name: - Laura Smith

Title: - member

Agency/Organization: - VOTES in Cass County Mi

Address: - 1545 lincolnway e

City/Town: - mishawaka

State: - MI

ZIP/Postal Code: - 46544

Country: - usa

Email Address: - laura\_smith92007@yahoo.com

Phone Number: - 269-968-4140

**2. Are you commenting on behalf of your organization?**

Yes

**3. Recommendation 1:**

Agree with the selected recommendation

*Comment:* Fire some of the government employees and give their money to individuals for child care, running erons and such. Needy families should swap child care, cleaning and other real servies.**4. Recommendation 1A:**

Agree with the selected recommendation

*Comment:* Take away the current incentives for dragging out cases.**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response



**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 15 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 192.234.214.110**Response Started:** Thu, 3/20/08 1:58:26 PM**Response Modified:** Thu, 3/20/08 2:03:26 PM**1. Please provide the following information.**

Name: - Stefanie

Title: - none

Agency/Organization: - none

Address: - none

City/Town: - Sacramento

State: - CA

ZIP/Postal Code: - 95818

Country: - USA

Email Address: - none@none.com

Phone Number: - 916-111-1111

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

No Response

**4. Recommendation 1A:**

No Response

**5. Recommendation 1B:**

No Response

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

Agree with the selected recommendation

*Comment:* I applaud the recommendation to expand the CASA program. It is a great program.**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

Agree with the selected recommendation

**21. Recommendation 4D**

Agree with the selected recommendation

**22. Recommendation 4E**

Agree with the selected recommendation

*Comment:* families caring for kin foster children should receive the same financial support as non-relative foster parents!

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 18 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 75.145.71.177**Response Started:** Mon, 3/24/08 9:41:19 AM**Response Modified:** Mon, 3/24/08 10:01:58 AM**1. Please provide the following information.**

Name: - Val Stilwell MSCS

Title: - Agency Coordinator

Agency/Organization: - FosterParentCollege.com

Address: - 326 W 12 Ave

City/Town: - Eugene

State: - OR

ZIP/Postal Code: - 97401

Country: - USA

Email Address: - val@northwestmedia.com

Phone Number: - 541.343.6636x146

**2. Are you commenting on behalf of your organization?**

Yes

**3. Recommendation 1:**

Agree with the selected recommendation

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Educational technology should be embraced and integrated by social work and advocacy systems.**4. Recommendation 1A:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Topic specific behavioral training for increased parenting /advocacy skills should be provided for biological and foster parents,court advocates and lawyers. Online training should be pursued to fill this void.**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Training records should be matched up with foster homes prior to placement. By utilizing online training, topic specific behavioral training can be delivered to a foster parent on the same day of placement to insure successful placements and to decrease the number of times a child is moved.

#### 6. Recommendation 2

Agree with the selected recommendation

#### 7. Recommendation 2A

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Judges must be informed of educational and training resources available for foster parents and parents in order to insure a safe return or foster placement.

#### 8. Recommendation 2B

Agree with the selected recommendation

#### 9. Recommendation 2C

Agree with the selected recommendation

#### 10. Recommendation 2D

Agree with the selected recommendation

Agree with the selected recommendation subject to modifications suggested below

*Comment:* (...) courts expand multidisciplinary training opportunities(...) Training should include conferences as well as distance learning and online opportunities. (Please include the word "online". There is confusion with the definition of "distance learning" and "online learning" - both have equal value and are often the same.)

#### 11. Recommendation 2E

Agree with the selected recommendation

#### 12. Recommendation 2F

No Response

#### 13. Recommendation 3

No Response

#### 14. Recommendation 3A

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 12 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 72.134.107.205**Response Started:** Wed, 3/19/08 11:40:48 AM**Response Modified:** Wed, 3/19/08 11:55:51 AM**1. Please provide the following information.**

Name: - Sandra Strong

Title: - Foster parent

Agency/Organization: - Koinonia Family Services

Address: - 1516 Beech Ave

City/Town: - Torrance

State: - CA

ZIP/Postal Code: - 90501

Country: - USA

Email Address: - sandra.strong@gmail.com

Phone Number: - 310-782-7743

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation

**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

Agree with the selected recommendation



**7. Recommendation 2A**

Agree with the selected recommendation

**8. Recommendation 2B**

Agree with the selected recommendation

**9. Recommendation 2C**

Agree with the selected recommendation

**10. Recommendation 2D**

Agree with the selected recommendation

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation

**15. Recommendation 3B**

Agree with the selected recommendation

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation

**21. Recommendation 4D**

Agree with the selected recommendation

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**

current report: **Default Report**

Displaying 87 of 102 respondents

**Response Type:** Normal Response

**Collector:** Public Comment Form (Web Link)

**Custom Value:** empty

**IP Address:** 64.163.80.70

**Response Started:** Mon, 5/12/08 1:46:49 PM

**Response Modified:** Mon, 5/12/08 2:13:56 PM

**1. Please provide the following information.**

Name: - Tom Surh

Title: - Commissioner

Agency/Organization: - Alameda County Superior Court

Address: - 24405 Amador St.

City/Town: - Hayward

State: - CA

ZIP/Postal Code: - 94544

Email Address: - tom.surh@alameda.courts,ca.gov

Phone Number: - 510-690-2850

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

No Response

**4. Recommendation 1A:**

No Response

**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* All court participants should maximize continuity of services and minimize the turnover in persons who have contact with the family

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* In keeping with the recommendation below in 2C that the same judicial officer hear the case from beginning to end, the prohibition on subordinate judicial officers hearing dependency cases should be modified. At this time, trial courts achieve (or fail to achieve) continuity of juvenile bench resources in several ways. The first is if a particular judge desires and is allowed to remain in a juvenile court assignment. These individuals tend to be rare. The more common occurrence is that a juvenile assignment is one of those baptism-by-fire initiations to the bench or an assignment taken to increase the likelihood of a better one to come. The only way some trial courts can ensure at least some continuity in its juvenile court is by having bench officers who serve at the pleasure of the court, i.e., subordinate judicial officers. The court should not seek to remove this important resource for children without proven policies in place that would ensure the ability to achieve judicial continuity in every trial court in the State. I urge the commission to adopt a more nuanced position with regard to who adjudicates juvenile cases than the current recommendation provides. Recognizing that part of the Commission's goal is elevating the status of juvenile court, I offer the following substitute language: Judges, rather than subordinate juvenile officers, should hear dependency and delinquency cases. At the same time, trial courts should take measures to ensure as much stability and continuity as possible in judicial assignments to juvenile court. Judges should be assigned to juvenile court for a minimum of three years. Priority should be given to judges who are actively interested in juvenile court as a long term assignment. To ensure continuity, subordinate judicial officers should be used in juvenile assignments when judges are unavailable.

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

Agree with the selected recommendation

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35



**Tulare County  
Health & Human Services Agency**

John Davis, Agency Director

---

May 12, 2008

Megan Lafrenz  
Center for Families, Children & the Courts  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Ms. Lafrenz:

The following comments are submitted for your review, in drafting the final recommendations of the Commission.

**1. Recommendation 1: Services.** The implicit assumptions are that every county in the State has equal access to services, and that services are generally narrow and insufficient. Not all counties have equal access; nor do all counties have the same infrastructure, or array of services. "Reasonable efforts" under the law is therefore to be variously interpreted, when applied in a service poor area. And this, of course, is a problem with "equal treatment under the law". I want to propose that your panel insist that service areas be funded differently, and in such a manner as poorer counties, like these in the Central Valley, receive additional funding so that they can begin providing both more diverse and more intense services to children. Simply put: I agree with the Commission's points about services, but there needs to be a recognition that services are unequal and fragmented currently, and that this needs to be fixed first.

One way to highlight my concern is this: the law is really clear enough about what is expected in the way of services to children; the funding distribution and the implementation in the State is faulty. The funding distribution does not take into account poverty areas; the other funding formulas applied outside CWS (for those "other services"); or the state of service availability across the State.

**2. Recommendation 2: Court Reforms.** "Subordinate" judicial officers have done a remarkable job here, and I cannot see from the recommendation what would be gained in eliminating these positions in favor of judges. In fact, I think this would be regressive. I have known about five juvenile judges in my ten-year tenure here; the Commissioners have remained the same.

Nor can I see how three-year terms in juvenile dependency judges will provide what is suggested. It might be more useful - with regard to interest, continuity, knowledge, consistency - to require that the judges and the subordinate officers in juvenile court be permanently assigned to that area of the law.

The discussion under 2E is extremely important, it seems to me: we do need mediation, specialty courts, and a team approach to insure that there are some non-adversarial programs available. I

believe this is why the State is moving to "differential response", i.e., to keep many of these cases out of the court and out of adversarial proceedings.

I am concerned about the issues around group conferencing, here, in the Courts section of your report; the placement may be misunderstood to mean that the Court should be involved directly in this process or processes. A lot (or most) of the non-adversarial processes should precede Court involvement (as they are preventative in nature). That the Court would now be involved in a broader range of activities is counter intuitive and would likely be counter productive. Put differently, the Court carries with it by necessity an 'adversarial' approach.

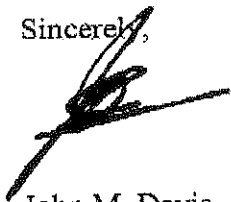
**3. Recommendation #3: Collaboration.** First, the Court here in Tulare County has been innovative and responsive to both Child Welfare Services and the partners in the community. Nothing has prohibited our court officers from taking the lead in many, many respects. And nothing prohibits area-wide planning - which I believe is going on all over the State, in response to the SDSS initiatives around Child Welfare Services. So, some of this discussion about local Commissions and networking at the local level seems oddly misapplied. It almost seems as if the State Commission is wrestling with the fact that collaborations are already underway and getting highly developed, while the Courts are being left behind or losing some leadership role? The Courts have been and continue to be a motivating and organizing principle here in Tulare County, and I find the discussion around 'local Commissions' a step into something that is already occurring - collaboration and planning.

I do want to applaud your Commission on addressing data management and data sharing. It would have added something to the discussion; it seems to me, to take a statewide perspective on the issues inhibiting real collaboration: confidentiality restrictions and funding for the partners, for those CBOs that are building the prevention and non-Court based systems.

**Recommendation #4: Funding.** Clearly, the Commission understands the point I would have like made throughout the report, i.e., that funding is crucial in all these recommendations. It is particularly acute in the San Joaquin Valley counties; the poorest in the State (and, in our case, the nation). Flexible funding is not the issue here. Nor is CWS funding necessarily. The issue is chronic, pandemic under-funding in this area: Tulare County, for example, is under-funded in TulareWORKs, in Mental Health, in Health, in Realignment Revenues, etc. - and this cannot be ignored in any plan that addresses children and families.

I was pleased that the Commission conferred the importance that it did to funding, making it one of four sections. It is insufficient to impose still more requirements or demand responsiveness when the capacity to do so is not there.

Sincerely,



John M. Davis  
Director  
Tulare County Health and Human Services Agency



# Tulare County Health & Human Services Agency

John Davis, Agency Director

---

May 12, 2008

Megan Lafrenz  
Center for Families, Children & the Courts  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Dear Ms. Lafrenz:

The following comments are submitted for your review, in drafting the final recommendations of the Commission.

**1. Recommendation 1: Services.** The implicit assumptions are that every county in the State has equal access to services, and that services are generally narrow and insufficient. Not all counties have equal access; nor do all counties have the same infrastructure, or array of services. "Reasonable efforts" under the law is therefore to be variously interpreted, when applied in a service poor area. And this, of course, is a problem with "equal treatment under the law". I want to propose that your panel insist that service areas be funded differently, and in such a manner as poorer counties, like these in the Central Valley, receive additional funding so that they can begin providing both more diverse and more intense services to children. Simply put: I agree with the Commission's points about services, but there needs to be a recognition that services are unequal and fragmented currently, and that this needs to be fixed first.

One way to highlight my concern is this: the law is really clear enough about what is expected in the way of services to children; the funding distribution and the implementation in the State is faulty. The funding distribution does not take into account poverty areas; the other funding formulas applied outside CWS (for those "other services"); or the state of service availability across the State.

**2. Recommendation 2: Court Reforms.** "Subordinate" judicial officers have done a remarkable job here, and I cannot see from the recommendation what would be gained in eliminating these positions in favor of judges. In fact, I think this would be regressive. I have known about five juvenile judges in my ten-year tenure here; the Commissioners have remained the same.

Nor can I see how three-year terms in juvenile dependency judges will provide what is suggested. It might be more useful - with regard to interest, continuity, knowledge, consistency - to require that the judges and the subordinate officers in juvenile court be permanently assigned to that area of the law.

The discussion under 2E is extremely important, it seems to me: we do need mediation, specialty courts, and a team approach to insure that there are some non-adversarial programs available. I



believe this is why the State is moving to “differential response”, i.e., to keep many of these cases out of the court and out of adversarial proceedings.

I am concerned about the issues around group conferencing, here, in the Courts section of your report; the placement may be misunderstood to mean that the Court should be involved directly in this process or processes. A lot (or most) of the non-adversarial processes should precede Court involvement (as they are preventative in nature). That the Court would now be involved in a broader range of activities is counter intuitive and would likely be counter productive. Put differently, the Court carries with it by necessity an 'adversarial' approach.

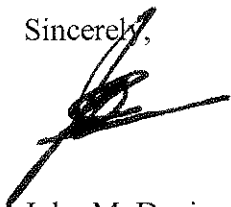
**3. Recommendation #3: Collaboration.** First, the Court here in Tulare County has been innovative and responsive to both Child Welfare Services and the partners in the community. Nothing has prohibited our court officers from taking the lead in many, many respects. And nothing prohibits area-wide planning - which I believe is going on all over the State, in response to the SDSS initiatives around Child Welfare Services. So, some of this discussion about local Commissions and networking at the local level seems oddly misapplied. It almost seems as if the State Commission is wrestling with the fact that collaborations are already underway and getting highly developed, while the Courts are being left behind or losing some leadership role? The Courts have been and continue to be a motivating and organizing principle here in Tulare County, and I find the discussion around 'local Commissions' a step into something that is already occurring - collaboration and planning.

I do want to applaud your Commission on addressing data management and data sharing. It would have added something to the discussion; it seems to me, to take a statewide perspective on the issues inhibiting real collaboration: confidentiality restrictions and funding for the partners, for those CBOs that are building the prevention and non-Court based systems.

**Recommendation #4: Funding.** Clearly, the Commission understands the point I would have like made throughout the report, i.e., that funding is crucial in all these recommendations. It is particularly acute in the San Joaquin Valley counties; the poorest in the State (and, in our case, the nation). Flexible funding is not the issue here. Nor is CWS funding necessarily. The issue is chronic, pandemic under-funding in this area: Tulare County, for example, is under-funded in TulareWORKs, in Mental Health, in Health, in Realignment Revenues, etc. - and this cannot be ignored in any plan that addresses children and families.

I was pleased that the Commission conferred the importance that it did to funding, making it one of four sections. It is insufficient to impose still more requirements or demand responsiveness when the capacity to do so is not there.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Davis", with a long horizontal line extending to the right.

John M. Davis  
Director  
Tulare County Health and Human Services Agency

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 53 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 71.139.170.239**Response Started:** Thu, 4/24/08 2:16:57 PM**Response Modified:** Thu, 4/24/08 2:26:52 PM**1. Please provide the following information.**

Name: - Shelley Wagner

Title: - Parent

Agency/Organization: - cafra

Address: - 4444 Wood Road #10

City/Town: - Guerneville

State: - CA

ZIP/Postal Code: - 95446

Country: - usa

Email Address: - shelleysworld1@yahoo.com

Phone Number: - 7075706183

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

*Comment:* My questiona an comments are in concern as to those who are on the committee. Why are there no parents sitting on this committee? We offer valuable info and actual have concern of what is lacking and what would assist our children in this system.

**4. Recommendation 1A:**

Do not agree with selected recommendation

*Comment:* Timely actually now takes all rights of parents to gain custody of children back. This alleged sense of permanency does not exist. My middle son in 3 years has had more the 16 placements. No stability was ever provided. Nor has he developed any need skills in learning to develop lasting relationships. He will be one of the many failures of the current system. Also the proposed newer system. You need practacle info on why this won't work and what would possibly solve this awful failure.

**5. Recommendation 1B:**

Do not agree with selected recommendation

*Comment:* Children can't adjust to a permanent home when there is not one provided. Also there is a complete failure in the system by allowing abusive Guardians who have lost their foster care license to continue to have custody of children. This is not what should be a permanent home which was provided so graciously by this system and county.....

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 43 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 201.47.44.141**Response Started:** Mon, 4/21/08 7:46:42 AM**Response Modified:** Mon, 4/21/08 7:55:13 AM**1. Please provide the following information.**

Name: - JakeWallace

Title: - Administrator (former) CEO

Agency/Organization: - Blue Mountain Wilderness Program, Inc

Address: - 5507 Meko Drive

City/Town: - Camp Connell

State: - CA

ZIP/Postal Code: - 95223

Country: - USA

Email Address: - mtwaterlessguy@hotmail.com

Phone Number: - n/a

**2. Are you commenting on behalf of your organization?**

Yes

**3. Recommendation 1:**

Do not agree with selected recommendation

*Comment:* This recommendation does nothing to affect the lives of youth in foster care. Many counties either lack the funding or fail to allocate the funding required to achieve this lofty goal. DSS has been crippled by a lack of funding and has cut social worker positions, as well. Some superior courts have refused to provide CASA and other critical resources. California needs additional laws to ensure that these public agencies will act lawfully

**4. Recommendation 1A:**

Agree with the selected recommendation

**5. Recommendation 1B:**

Agree with the selected recommendation

**6. Recommendation 2**

No Response

**7. Recommendation 2A**

No Response

**8. Recommendation 2B**

No Response

**9. Recommendation 2C**

No Response

**10. Recommendation 2D**

No Response

**11. Recommendation 2E**

No Response

**12. Recommendation 2F**

No Response

**13. Recommendation 3**

No Response

**14. Recommendation 3A**

No Response

**15. Recommendation 3B**

No Response

**16. Recommendation 3C**

No Response

**17. Recommendation 4**

No Response

**18. Recommendation 4A**

No Response

**19. Recommendation 4B**

No Response

**20. Recommendation 4C**

No Response

**21. Recommendation 4D**

No Response

**22. Recommendation 4E**

No Response

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35

**MARTHA KENDALL WINNACKER**

**Attorney at Law**

**SBN 229615**

**P.O. Box 9073**

**Berkeley, CA 94709**

**(510) 841-1439**

**winnackerlaw@earthlink.net**

**COMMENTS ON  
BLUE RIBBON COMMISSION DRAFT RECOMMENDATIONS**

1. Children and families need access to a range of services to prevent removal whenever possible.

1.A. "All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made."

Although it echoes existing statutes, this recommendation requires a fundamental change in the culture of the juvenile courts, at least in the county where I worked as a trial attorney representing both parents and children. At a minimum, the second sentence should be amended to read: "The courts should make an informed finding **on the record** as to whether these efforts actually have been made **and specifying why the listed efforts are or are not sufficient to maintain the children at home.**"

The following illustrates actual practice in Contra Costa County:

In cases arising out of parental substance abuse the court almost always removed children pending parent participation in drug treatment. All newborns referred to the court with positive toxicology screens were removed from their mothers, even when the mothers agreed to enter residential treatment and the treatment facility was willing to take the infant. The court would return the child to the mother in the program after 30 days if the mother was compliant with the program. When ordering detention, the court always made a reasonable efforts finding without any exploration of what those efforts were or could have been.

1.B. "If foster-care placement is necessary, children and families should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family."

"All reasonable efforts to return children home" must explicitly include liberal visitation in accord with child development experts' recommendations, for example, that infants should see their parents every day. In my experience, the default supervised visitation order was one hour per week. More generous visits were possible when the child was placed with a relative who was permitted to supervise



the visits. For infants and young children, such limited visitation disrupts or prevents formation of meaningful attachment by the children to their parents and can result in a finding at the 12-month review that the children do not look to their parents for parental care. The first sentence of this recommendation should be amended to read: “If foster-care placement is necessary, children and families should have access to appropriate services, **including liberal visitation on age-appropriate schedules as recommended by child development experts**, and timely court reviews that lead to permanency as quickly as possible.” Recommendations by child development experts can be found in presentations at Beyond the Bench.

2. I heartily endorse all parts of Recommendation 2. However, implementing these recommendations will require a substantial increase in resources or a reduction in the number of cases referred to the court. I estimate that at least a quarter of the cases in which I was involved could have been resolved through a voluntary plan, with referral to the court treated as a last resort if the parents failed to cooperate. This applies particularly to “dirty house” and substance abuse cases, including the positive toxicology screen cases mentioned above. By setting a higher bar for jurisdiction, judicial resources could be concentrated on cases that genuinely require court intervention.

2.B “All participants in dependency hearings, including children and families, should have an opportunity to be heard in court.”

Many participants want nothing more than to tell their stories in court, but the primary means for parents to do so is through their attorneys or by giving sworn testimony. Does the commission envision a forum in which family members are invited to offer unsworn narratives? If so, what protections does the commission envision offering, especially to parents, for potentially inculpatory statements made without an attorney’s mediation?

In the comments to 2.B, the commission recommends removing “barriers that prevent children, parents, and caretakers from attending hearings [including] addressing transportation difficulties.” What solutions does the commission envision being offered for transportation difficulties, which affect both court attendance and compliance with case plan requirements? For example, does the commission envision a court-sponsored van or taxi service?

2.C. “Local court practices should facilitate the attendance of children, parents, and caregivers in hearings.”

The commission’s comments recommend scheduling court proceedings at times that do not conflict with school or work and scheduling hearings for specific times. These highly desirable goals represent radical departures from existing practice and will not be accomplished without drastic intervention. Does the commission envision a specific intervention, e.g., statutory mandate, change in the Rules of Court? Without mandates, sanctions, and reduced caseloads, these changes are unlikely. If they remain in the commission’s recommendations without relevant enforcement mechanisms, they may dilute the power of the remaining recommendations.

The commission’s comments recommend emphasis on timeliness and minimization of continuances. A note of caution is essential in focusing on timeliness of hearings.

Because timeliness is easy to measure, an emphasis on meeting statutory deadlines may make it difficult or impossible to secure needed continuances for full investigation and presentation of evidence. I urge the commission to make a statement to the effect that without providing adequate resources for juvenile cases, it is impossible to meet statutory guidelines. In my experience, the most serious obstacle to timeliness other than the genuine need to conduct further investigation, is the difficulty of securing adequate continuous court time for lengthy hearings. In my worst case, a 6-month review hearing took five months to complete and was eventually merged with the 12-month review. Only one of the many continuances was requested by an attorney, who was very ill on the hearing date. One long continuance was necessary to accommodate an attorney's pre-scheduled (and noticed) five-week vacation.

The commission's comments recommend that the same judicial officer hear a case from beginning to end. I suggest that it may be beneficial to all parties for one judicial officer to conduct the original detention hearing and pre-jurisdictional hearings on challenges to hearsay evidence and for a different officer to take the case beginning with the jurisdictional hearing and continuing to the end. Evidence presented at the detention hearing is not fully developed, typically includes unsubstantiated hearsay, and is frequently prejudicial to the parents/caretakers. Despite the court's best efforts to remain objective as further evidence is presented, judicial officers cannot help but form an impression at the inception of the case. I have often heard a judicial officer refer to unproven initial allegations at later stages of a case. Where parents plead no contest to jurisdiction, they have no opportunity to challenge prejudicial hearsay contained in the investigation report. Where parents contest jurisdiction and challenge hearsay evidence, the same judicial officer who determines what hearsay must be stricken then conducts the jurisdictional hearing, with full knowledge of the excluded hearsay evidence. Without the possibility of an independent factfinding jury, I suggest that the quality of hearings would be improved if the functions of determining what evidence comes in and of finding ultimate jurisdictional and dispositional facts were separated.

2.D. "Fair administration and review of dependency proceedings requires attorneys . . . who are well qualified and have time and resources to present accurate and timely information to the courts."

The commission's comments recommend providing adequate resources to reduce court and attorney caseloads to recommended standards and various measures to make careers in child welfare law attractive and sustainable. Because the overwhelming majority of juvenile cases involve families eligible for court-appointed counsel and unable to pay for privately retained counsel, I do not believe these recommendations can be implemented unless juvenile dependency representation is placed on a par with indigent criminal defense. This would require funding public agencies, whether public defenders or new parallel entities, to provide this representation. Additionally, dependency cases should be classified according to degrees of complexity and difficulty, similar to the manner in which criminal matters are classified as misdemeanors or felonies, so that dependency attorneys can see a career path and agencies can provide for appropriate support and training to handle

more difficulty cases. An additional note: loan forgiveness programs do not extend to private practitioners who take court-appointed cases. Finally, as noted above, I am convinced that the only way to secure adequate resources to provide for excellent legal work in juvenile dependency cases is to reduce the number of cases that are referred to the court when a voluntary plan could ensure the safety of the children involved.

I recite my personal experience to demonstrate how radical the commission's recommendations are and how risky a career commitment to juvenile dependency is under current circumstances: I was hired in 2006 as a temporary public defender in Contra Costa County to represent parents and children in juvenile dependency cases. Citing AOC findings that Contra Costa County was spending too much on attorneys per child in foster care, the superior court put the contract out to bid and awarded dependency representation to the low bidder, an outside entity with no experience in dependency or in the county, displacing both the public defender and the county bar association's conflict panel. The terms of employment offered by the new provider to staff attorneys were substantially less favorable than those offered to public defenders (the top salary matched public defenders' entry-level salaries), and those offered to the private panel attorneys were even worse (\$50 a month per open case, with each family counting as one case regardless of the number of dependent children, replacing the previous hourly pay). Moreover, the new provider expected a new class of contracted private panel attorneys to carry public-defender-level caseloads (175 families), far more than any of the existing private attorneys had previously carried. I was laid off from the public defender as a consequence of the contract change. As I was not prepared to establish a full-blown solo practice, I was effectively excluded from juvenile dependency practice in the county where I had established my reputation as an attorney. I have not been able to establish a trial practice but am currently preparing juvenile dependency appeals on a part-time basis under the auspices of the First District Appellate Project.

What is relevant in this story is not my individual situation but the following: (1) The court stated that it was under pressure from the AOC to reduce attorney costs for dependency representation. (2) In a previous effort to contain costs, the public defender had already barred its most senior (and best paid) attorneys from working on dependency cases. (3) The conditions of work under the new contract were far less desirable than previously and would have required any public defender who chose to switch to give up his or her public employee benefits. (4) Many members of the private bar lost substantial parts of their practices.

2.E. "All courts should have nonadversarial programs available for children and families to use to resolve legal and social issues when appropriate."

The commission refers to such tools as team decision making and family group conferences. These mechanisms provide a powerful instrument for protecting children without referring cases to court.

2.F. "The Judicial Council should establish and implement a comprehensive set of court performance measures . . ."

Court performance measures must be developed carefully so that easy-to-measure indicators do not override quality indicators. For example, as discussed under 2.C., I urge extreme caution in adopting timeliness measures without equally robust child wellbeing measures: timeliness is easy to measure, and emphasis on meeting deadlines can easily overwhelm the need to present evidence.

3. I support recommendation 3 in general but suggest that sharing information on individuals between agencies must be handled with extreme care to avoid harming children and their families.

3.A. “The Judicial Council and the state Department of Social Services should work cooperatively with all stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.”

The commission’s comments refer specifically to making information in CCMS available to multiple stakeholders. Parents and children have legitimate privacy concerns that must be treated with respect and care when information is shared between agencies. In addition, it is essential to be aware that all data systems contain many errors as a result of inaccurate data input and failure to update or correct outdated or inaccurate data. Inaccurate information that follows a child – or a parent – from one institution to another can cause serious harm, as illustrated by the well-known vulnerabilities of victims of identity theft or by the recently publicized leaks of confidential mental health information about celebrities at the UCLA hospital. Moreover, the further information travels from its source, the more difficult it is to correct. At a minimum, I urge that the language of this recommendation be amended to read: “The Judicial Council and the state Department of Social Services should work cooperatively with all stakeholders to ensure optimal sharing of **verified** information **when, and only to the extent that, sharing information promotes** decisionmaking that supports the well-being of children and families in the child welfare system.”

4. All components of recommendation 4 are sound, but many of them will not be implemented in time to help children in foster care today.

4.D. “Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.”

In order for this recommendation to be meaningfully implemented, the Department of Social Services and the courts need to ensure that children are not moved from school to school as a consequence of placement changes. At a bare minimum, Rule 5.651, Educational rights of children before the juvenile court, must be rigorously implemented, and courts must insist that out of home placements be chosen with care to avoid disrupting a child’s school enrollment. Without constraining movement of children between schools as a consequence of placement changes, meaningful participation in extracurricular activities will not be possible for foster youth.

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 93 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 66.245.34.181**Response Started:** Tue, 5/13/08 2:55:48 PM**Response Modified:** Tue, 5/13/08 3:21:56 PM**1. Please provide the following information.**

Name: - Martha Kendall Winnacker

Title: - Attorney

Agency/Organization: - Self

Address: - P.O. Box 9073

City/Town: - Berkeley

State: - CA

ZIP/Postal Code: - 94709

Country: - USA

Email Address: - winnackerlaw@earthlink.net

Phone Number: - 510-841-1439

**2. Are you commenting on behalf of your organization?**

No

**3. Recommendation 1:**

Agree with the selected recommendation

**4. Recommendation 1A:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* The courts should make an informed finding ON THE RECORD as to whether these efforts actually have been made and SPECIFYING WHY THE LISTED EFFORTS ARE OR ARE NOT SUFFICIENT TO MAINTAIN THE CHILDREN AT HOME.

**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* If foster-care placement is necessary, children and families should have access to appropriate services

INCLUDING LIBERAL VISITATION ON AGE-APPROPRIATE SCHEDULES AS RECOMMENDED BY CHILD DEVELOPMENT EXPERTS, and timely court reviews that lead to permanency as quickly as possible.

**6. Recommendation 2**

Agree with the selected recommendation

**7. Recommendation 2A**

Agree with the selected recommendation

**8. Recommendation 2B**

Agree with the selected recommendation

**9. Recommendation 2C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Emphasis on timeliness must not preclude full presentation of evidence. One judicial officer to conduct detention and pre-jurisdiction hearings on suppression of hearsay evidence. A different judicial officer to conduct jurisdictional hearing and all subsequent proceedings.

**10. Recommendation 2D**

Agree with the selected recommendation

*Comment:* I do not believe this recommendation can be implemented without: (1) reducing the number of cases referred to court; (2) placing dependency representation on a par with indigent criminal defense & funding public agencies to provide that representation, with career paths and public employee benefits as part of the employment package. Dependency representation might better be funded through counties than through courts.

**11. Recommendation 2E**

Agree with the selected recommendation

*Comment:* Such non-adversarial programs as mediation, team decision making, and family group meetings can develop voluntary service plans that protect children without referral to court and thereby allow concentration of judicial resources on appropriate cases.

**12. Recommendation 2F**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Use extreme care to ensure that court performance measures give greatest weight to measures of child wellbeing and do not emphasize timeliness alone, since it is the easiest to measure.

**13. Recommendation 3**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Use great caution in sharing information between agencies. Much harm can be done by sharing inaccurate information contained in databases.

**14. Recommendation 3A**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Use extreme caution in sharing information contained in CCMS. New language: The Judicial Council and the state Department of Social Services should work cooperatively with all stakeholders to ensure optimal sharing of VERIFIED information WHEN, AND ONLY TO THE EXTENT THAT, sharing information promotes decision making that supports the well-being of children and families in the child welfare system.

**15. Recommendation 3B**

Agree with the selected recommendation

*Comment:* This outstanding recommendation can be accomplished without compromising individual privacy issues or unduly broadcasting information about individuals.

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

*Comment:* Emphasize that services are to children AND families.

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* Critical to reduce movement of foster youth between schools.

**21. Recommendation 4D**

Agree with the selected recommendation

**22. Recommendation 4E**

Agree with the selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35



**Lafrenz, Megan**

---

**From:** Charlotte Wittig [RanchCAW@aol.com]  
**Posted At:** Tuesday, May 13, 2008 7:20 AM  
**Conversation:** draft recommendations of California Blue Ribbon Commission on Children in Foster Care  
**Posted To:** CBRC  
**Subject:** draft recommendations of California Blue Ribbon Commission on Children in Foster Care

Ms. Lafrenz - I would appreciate confirmation of receipt of this e-mail as I am forwarding from my person site rather than the Court site. Thank you. Charlotte Wittig, Commissioner, Tulare County Superior Court.

---

Megan Lafrenz  
Center for Families, Children & the Courts  
Judicial Council of California  
Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102

Dear Ms. Lafrenz:

The following comments regarding the draft recommendations of the California Blue Ribbon Commission on Children in Foster Care are personal to me and not made on behalf of or through the Court by whom I am employed.

Allow me to first give you a little information about myself. I am presently a commissioner with the Tulare County Superior Court. I have been involved in the juvenile system in one way or another for over 15 years. I have experience representing children and parents in both delinquency and dependency proceedings in both the trial and appellate court levels. As an attorney I also served periodically as a bench officer on a pro tem basis for several years, sitting for our commissioner and presiding judge in juvenile court on an as-needed basis. In 1998 I left my private practice to serve as a pro tem in juvenile court, on a part-time basis initially and turning into a full-time position in approximately 2000. Since 1998 I have been responsible for hearing approximately 85% of the dependency cases in Tulare County, and more recently have been assigned the entire dependency calendar. I am also a former foster parent, having had placement of children through the delinquency side of the system for several years. It is with this background that I comment on the draft recommendations.

Recommendation 1: The Commission makes several recommendations as to reasonable efforts to prevent removal whenever possible that include the provision of services. I concur with those recommendations, provided adequate funding is available to impoverished and outlying areas such as many here in Tulare County, so there is not a disparity in treatment. One of many issues we face is ensuring parents in outlying areas receive the same services as many have transportation problems that make it difficult or impossible to obtain services.

Another element of reasonable efforts, in my view at least, is proper investigation at the initial stages of contact with the family. As I am sure the Commission recognizes, parents often deny or minimize the extent of the substance abuse issues or other problems which lead to removal of children. No services are received early on because the parents deny they have a problem and "decline" to participate in voluntary services. The home is inspected. Without further investigation, the referral is closed. Not

5/13/2008

surprisingly, several months later new referrals come in, progressively more serious. With more investigation and third party information to discuss with the parents at that initial referral the parents may be more willing to participate in services up front, without the necessity of either removal or court involvement. A recommendation that the courts and local partners address resources for investigation and address better collaboration between social services and law enforcement would result in earlier intervention, allow children to remain in the home, and hopefully avoid later court involvement.

I applaud the recommendation of greater flexibility in approving relative placements. We often have delays in placing with appropriate relatives.

Recommendation 2: The Commission recommends that only judges hear dependency and delinquency matters. Speaking quite frankly, the reality is most judges do not want to sit in juvenile court. My county serves as an example. I have been assigned to juvenile court since September of 1998. We have a presiding judge and two commissioners. I have yet to see a judge complete a full 3-year term. Our current judge was assigned to complete the last judge's term and is willing to commit to a 3-year term. Whether he will be permitted to stay remains to be seen.

Most of the "subordinate" judicial officers I have met are passionate about the work they do. I am passionate about the work I do. No one forced me to accept this assignment. I do this work because this is where I want to be, this is what I love doing, and this is what I am good at. I do not mean to imply that there are not judges with the same passion and dedication. I have met many through my participation at State conferences, and am fortunate to have such a presiding judge at present. I suspect if polled one would find that judges that serve in juvenile court are often assigned and, to put it politely, do not always go willingly. The decisions made in juvenile court are too important to leave to someone who does not want to be there.

The Commission obviously recognizes the importance of having consistency in juvenile court. Such consistency is important not just to the families before us, but also to our partners in the system. The courts are or should be leaders in their individual counties in insuring services. Leadership requires expertise – knowledge of juvenile court law, a familiarity with child welfare services, a familiarity with probation, a familiarity with education, a familiarity with placements, a familiarity with specific services available in a particular county. It takes years to develop such familiarities within the systems in a county and to form relationships with the individuals with whom collaboration would be needed to make change within the system. It takes trust to collaborate with individuals and make change. As I often tell the young people who appear before me – trust is not given, it is earned. A rotation of judges will not ensure the continuity and stability the system needs.

If the Commission sees this work as "judge" work, a recommendation should be made that the Governor appoint individuals with juvenile court experience and expertise, and a stated desire and commitment to serve in juvenile court for an extended period of time. At present those judges are the exception, not the rule.

Recommendation 3: The recommendation to convene multidisciplinary commissions at a local level may not be necessary. I cannot speak for other counties, but can represent that in Tulare County there are already numerous committees working together to serve our families and children. At least in this county the recommendation would only serve to duplicate what is already being done.

Recommendation 4: I wholeheartedly support the Commission's recommendations regarding funding.

Thank you for the opportunity to provide input regarding the Commission's draft recommendations. I am available for further discussion should you or anyone from the Commission so desire. I may be

reached by telephone at 559-713-3157 ext. 5205 during normal working hours.

Sincerely,

Charlotte Wittig

5/13/2008

survey title:

**Blue Ribbon Commission  
Public Comment Form**current report: **Default Report**

Displaying 8 of 102 respondents

**Response Type:** Normal Response**Collector:** Public Comment Form (Web Link)**Custom Value:** empty**IP Address:** 67.164.27.153**Response Started:** Sun, 3/16/08 4:56:07 PM**Response Modified:** Sun, 3/16/08 5:27:06 PM**1. Please provide the following information.**

Name: - Kenny Woo

Title: - Investigator

Agency/Organization: - Citizens Commission on Human Rights

Address: - PO Box 10428

City/Town: - San Jose

State: - CA

ZIP/Postal Code: - 95157

Country: - USA

Email Address: - CCHR\_Kwoo@att.net

Phone Number: - 408-561-0801

**2. Are you commenting on behalf of your organization?**

Yes

**3. Recommendation 1:**

Do not agree with selected recommendation

*Comment:* The community needs to be gotten a lot more active in this, including community churches. They should be gotten to offer services // programs to their community. The community cannot be allowed to just leave the problem up to Social Services.

**4. Recommendation 1A:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* I have been following CPS for almost three years. more rules equals more violations. We need to upgrade the ethical standards of social workers, etc., as I have encountered too many lying Social Workers, attorneys and such. that they are overloaded is no excuse for lying. This then makes it into court records and the person cannot get the false reports off the record. The Ombudsman and their policies are a waste of time. The policies need to be given more teeth.

**5. Recommendation 1B:**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* community, non-profit groups need to be represented - people, groups that have no vested interest - with this in order to maintain their own responsibility for this and not let it get out of sight, out of mind. The community leaders need to monitor this continually so that it doesn't go out of hand. Needs to have continual monitoring.

**6. Recommendation 2**

Agree with the selected recommendation

**7. Recommendation 2A**

Agree with the selected recommendation

*Comment:* No more commissioners! Judges should have court investigators or interns from local legal aid or law schools to serve apprenticeships. This gives an independent look into the case for the Court.

**8. Recommendation 2B**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* I've had cases where Social Workers lied about 'not finding' relatives. There needs to be continual impartial monitoring with appropriate powers to halt a process before it goes out of control.

**9. Recommendation 2C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* See above.

**10. Recommendation 2D**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* I have help get more CASAs on board and am continuing this. This needs to be reinforced. TDMs before a case hits the court system needs to be implemented and keep it out of the systemic adversarial relationship that occur no matter what policies are put in place The community leaders need to wake up on this.

**11. Recommendation 2E**

Agree with the selected recommendation

**12. Recommendation 2F**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* there needs to be on-the-ground Ombudsmans who are continually inspecting and helping the parents and children.

**13. Recommendation 3**

Agree with the selected recommendation

**14. Recommendation 3A**

Agree with the selected recommendation

**15. Recommendation 3B**

Agree with the selected recommendation

**16. Recommendation 3C**

Agree with the selected recommendation

**17. Recommendation 4**

Agree with the selected recommendation

**18. Recommendation 4A**

Agree with the selected recommendation

**19. Recommendation 4B**

Agree with the selected recommendation

**20. Recommendation 4C**

Agree with the selected recommendation subject to modifications suggested below

*Comment:* dont really need more money.

**21. Recommendation 4D**

Agree with the selected recommendation

**22. Recommendation 4E**

Do not agree with selected recommendation

[Terms of Use](#) [Privacy Statement](#) [Opt Out/Opt In](#) [Contact Us](#)

Copyright ©1999-2008 SurveyMonkey.com. All Rights Reserved. No portion of this site may be copied without the express written consent of SurveyMonkey.com. 35